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Executive Order 12958, Classified National Security Information, requires automatic declassification of non-exempt historical files over 25 years old. The Department of Defense (DoD) Historical Records Declassification Advisory Panel (HRDAP) is established under the Federal Advisory Committee Act as a subcommittee to the Historical Advisory Panel. The HRDAP charter is to recommend information and topic areas that would be valuable to historians and the public. DoD will consider those recommendations for immediate declassification. The HRDAP is chaired by Dr. Alfred, OSD Historian. Six civilian historians and historians from the military services and JCS comprise the panel. The transcripts for the November 15, 1996 meeting were prepared by a contract transcription service.

UNITED STATES OF AMERICA  
DEPARTMENT OF DEFENSE  
FOURTH SESSION OF THE  
DoD HISTORICAL RECORDS DECLASSIFICATION  
ADVISORY PANEL

Friday, November 15, 1996  
0900-1430 hours  
National 3801 North Fairfax Drive  
5th Floor Conference Room

CHAIRPERSON: DR. ALFRED GOLDBERG, Historian  
Office of the Secretary of Defense

PANEL MEMBERS:

ERNEST MAY  
MARC TRACHTENBERG  
ROBERT WAMPLER  
GERHARD WEINBERG  
WILLIAM EPLEY  
WILLIAM DUDLEY  
WILLIAM HEIMDAHL  
DAVID A. ARMSTRONG  
FRED GRABOSKE  
MERVYN LEFFLER

STAFF MEMBERS:

CYNTHIA KLOSS

AUDIENCE MEMBERS:

JIM DAVID, Smithsonian Air and Space  
WARREN KIMBALL  
PAGE MILLER, NCCPH  
DONNA KNOX, ESQ.  
STEVE AFTERGOOD, FAS  
JANET O'CONNELL, DOE  
RAY SCHMIDT  
WILLIAM HARWOOD, USIA  
SHELDON GOLDBERG, AF HISTORY  
HELEN BRAGG, Army

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## P R O C E E D I N G S

9:10 a.m.

## Administrative Announcements

MS. KLOSS: Non-panel participants have a number of different restaurants to choose from up and down the strip. There's dining-in restaurants within a two-block walk any direction -- just about any direction you go. If you need additional information on restaurants, please see me.

We'll have about an hour and a half lunch break, if that sounds sufficient. Reconvene in the afternoon at 1330.

We will try to have one break in between following our orientation briefings from the Department of Energy and Department of State Historical Advisory Panels.

Unfortunately, telephones don't seem to be available in this building. There is one phone that we can make out-going calls, but we can't receive any calls in. So, you have a cellular? Bob Wampler has a cellular phone. I'm sure he will be pleased to accommodate you.

Let's see. Anything else that we need to cover for Admin Announcements? If you have not seen the Web site that has all of the proceedings, I have

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1 copies of print-outs that list the Executive Summaries  
2 and the Web address, and you can just call up any of  
3 the previous meetings right off the Internet.

4 Thank you.

5 Opening Comments

6 DR. GOLDBERG: Just one addition to that.

7 The door to the men's room is propped open. I can't  
8 tell you anything about the women's room. I didn't  
9 notice if that was propped open. That should be a  
10 help.

11 I just want to make a few remarks at this  
12 point, probably take 10 or 15 minutes.

13 This is our fourth meeting. It's the end of  
14 the first year of operations of this panel, and it  
15 seemed to me that it would be a good idea to look back  
16 at what we have recommended, and as far as can be  
17 determined what has been the fate of those  
18 recommendations, and I can tell now it's a very mixed  
19 fate, as might be expected. After all, we are dealing  
20 with complex problems.

21 We have made an effort at analysis to resolve  
22 those problems into their simple elements, and to some  
23 extent, we have succeeded, but that's in large part a  
24 theoretical process, and we are now faced with the  
25 pragmatic part of this work, and that is how do we get

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1       these recommendations put into practice?

2               As you all know, within theory and practice,  
3       there's often a very great gulf, and that's especially  
4       true perhaps in the government and most large  
5       institutions, and there aren't many that are larger  
6       than the Department of Defense or more complex or more  
7       difficult to make one's way through.

8               I would like to recapitulate the  
9       recommendations that we have made thus far, and there  
10       are 11 of them, during the last three meetings.

11              We started, as one would expect a panel of  
12       this sort to start, with the recommendation that the  
13       high policy items, high policy records be given  
14       priority, possible top priority, and attention.

15              The result has been very mixed. Some top  
16       priority items are being declassified, certainly not to  
17       the extent that this panel would prefer, and we have to  
18       face it, there are differences of view as to  
19       preferences for priority and procedure.

20              The panel may have one view, the people who  
21       actually do the work are often going to have a  
22       different view of what is required. So, this has been  
23       mixed.

24              We can't give a really definite answer till  
25       we get some kinds of reports on what has been done, and

1 we are hoping to get some of those, and we have some in  
2 connection with the pilot projects.

3 Second. We did what always happens in  
4 situations of this kind. We asked for more people and  
5 more money to do the job. It is quite clear that in  
6 Defense, it is unlikely that more money will be made  
7 available from the top. If it does happen, it will be  
8 by the individual services and agencies.

9 What is happening, however, is that some of  
10 them, to some extent, are meeting the requirements by  
11 simply allocating more of their own people to do the  
12 job. The Army apparently has had to go this route  
13 because they don't have the money. They're simply  
14 moving people from one function into declassification.  
15 So that at least some bodies are being made available,  
16 and the Navy has done this to some extent, and they  
17 also, I think, are doing it by also responding to  
18 another recommendation that we made later, that is, to  
19 use reserve officers, and this is happening.

20 Some of the entities are using reserve  
21 officers to a greater extent than they have in the  
22 past. So, some movement on that front. More people  
23 are going to be available to do it. So, perhaps more  
24 is going to get done.

25 It was also recommended very strongly that we



1 put a higher priority, greater priority, on the early  
2 records. Well, there's some dispute about that on the  
3 part of the declassifiers because they have a great  
4 deal of pressure on them to deal with more recent  
5 records, which are sensitive and have to be disposed of  
6 sometimes because higher authority requires it.

7 Some of those have been declassified already.  
8 A great many of them actually, particularly in OSD, I  
9 believe, and in JCS, so that a lot of these earlier  
10 records are available, perhaps not to the extent we  
11 would like. A lot of them are still exempt, and it  
12 remains to be seen how this is going to come out. We  
13 have another four years to see. But it's slow-going.

14 On the pilot projects, I think we have a  
15 report which gives you figures on those. The Navy and  
16 OSD are the two that responded. I think if you look at  
17 the figures, you can see what happened there. They're  
18 rather interesting.

19 The percentage declassified is obviously not  
20 what we would desire. There's a great mixture of  
21 levels of information. The subject areas, I think, are  
22 the sorts of things that we are interested in. So,  
23 there will be more of that available.

24 On the other hand, there's a great deal of  
25 skepticism on the part of the declassifiers as to how

1       useful this is, and the possibility of using these  
2       projects as a particular device.

3               The Navy thinks it's very low.  OSD thinks  
4       it's very high.  The difference in man hours to do the  
5       job is very considerable.  I am frankly astonished at  
6       that difference between the two, and the time that it  
7       took to do the work.

8               If this is typical of perhaps what is going  
9       to happen, it need not necessarily be because we're  
10      dealing with high policy sensitive materials here, so  
11      it's possible that this is not as good a predictive  
12      device as we had hoped it would be.  But, any rate, I  
13      think it gives us some notion of the formidable job  
14      that is represented in going about this  
15      declassification.

16              Now, we also recommended substituting the  
17      organizational for the topical approach.  That's no  
18      problem.  I think most of them have been moving along  
19      these lines anyhow.  They were not smitten with the  
20      notion of adopting a topical approach to  
21      declassification.  So, I think we probably scored on  
22      that.

23              The matter of delegating authority to  
24      declassify, one of my own pet projects, I would guess  
25      that the action to date has been zero.  There is

1 resistance to this notion. The individual services and  
2 the other entities are very much jealous of their  
3 prerogatives in classifying and declassifying. They're  
4 not prone to delegate any authority to anybody else to  
5 do it. They want to do it themselves. The result is  
6 that there is very strong resistance to the notion of  
7 the Army, for instance, giving the Navy, the Air Force,  
8 permission to declassify its records.

9 Now, that -- having said that, we do -- we  
10 can keep in mind that some of this does take place  
11 informally. It's not entirely all bad. There is some  
12 kind of informal delegation, so that some records are  
13 getting declassified by agencies that did not issue  
14 them.

15 Now, we recommended that there be earlier and  
16 more frequent transfer of records to the Archives, and  
17 I have been told that apparently that is speeding up,  
18 that the services are perhaps improving in getting the  
19 records out of their own possession into the Records  
20 Center.

21 How much, I don't know, and therefore I can't  
22 give you any kinds of figures on that. All I know is  
23 that there is a disposition to accept that  
24 recommendation and to move them faster.

25 I've already mentioned the reserve officer

1 matter.

2 The policy letter that was supposed to be  
3 issued is still going through drafts and coordination  
4 as usually happens, and it may drag on still longer.  
5 It's been going on for months. It's a matter of  
6 getting some kind of accord among all of the elements  
7 involved in it, and that will take time. So, we don't  
8 have -- we have some movement on it, but we don't have  
9 any final action.

10 We've kept stressing, and we made the  
11 recommendation last time, that attention be paid to  
12 quality as well as quantity in declassifying the top  
13 level materials, and the very fact that we have  
14 recommended again and again that attention be paid to  
15 the top policy records, that they be given priority, in  
16 spite of that, we know that the declassifiers are doing  
17 it to some extent, but that they have a preference for  
18 doing things their own way, and it's very difficult to  
19 turn them around, and nobody has exercised the  
20 authority to do it, and failing providing them with the  
21 resources to do it, it's likely that they will continue  
22 to go their way.

23 We also recommended more central mechanisms  
24 for speeding up declassification. That is getting  
25 referrals handled more quickly by some kind of a

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1 central mechanism, getting other things done, including  
2 centralized guidance, some kind of general guidance  
3 that would apply across the board. There isn't much  
4 enthusiasm for that on the part of declassifiers.

5 We have had some success in training. Some  
6 of the groups engaged in meetings for declassification  
7 discussions and sessions have held training sessions  
8 for people, and the services, I think, are doing more  
9 of that, also, in an effort to make their people more  
10 proficient in carrying out declassification.

11 But once again, and I keep returning to this  
12 theme, and we're going to have to do it, the Defense  
13 Department, after 50 years, is still not unified.  
14 Unified in the sense -- sense that directives can come  
15 down from above, and that the people above can be sure  
16 that they will be carried out as intended by the people  
17 who issued them.

18 So that you still have individual services  
19 and agencies within the department that do things their  
20 way, that have their own procedures, prefer them to any  
21 others that might be asked of them, and will continue  
22 to do it.

23 I guess the basic problem is that they can  
24 always say you want us to do things, but you are not  
25 giving us the resources to do them, and therefore all

1 we can do is the best we possibly can under the  
2 circumstances, and this is the situation that we face  
3 now, and that we want to discuss some more later on.

4 It seems to me that what we have left is  
5 several basic issues that we've been dealing with at  
6 all of our meetings. The first one is the allocation  
7 of resources. Money has not been forthcoming. The  
8 only money forthcoming for defense project on  
9 intelligence has gotten some money. Whether they're  
10 going to get any more is another matter. Energy may  
11 have some of its own resources.

12 But the only money that's been forthcoming  
13 has been for special declassification projects, for  
14 human radiation, for prisoners of war, for Gulf War.  
15 These things have gotten money because they've had a  
16 lot of political pressure behind them, and the services  
17 have had to put up the people that they have gotten the  
18 money to do it.

19 So, this is a problem we face. It's a lack  
20 of resources. The only way it can be solved is for the  
21 individual elements of the department to use their own  
22 resources, their own people. What they have is people,  
23 not money.

24 On priorities for declassification, we've  
25 already discussed those. We know where we stand on

1 those. That is a major problem because, as I say, each  
2 element has its own preferences for priority and  
3 procedure.

4 As mechanisms for speeding up  
5 declassification, this is the third issue, some of that  
6 has happened. Declassification is going on. It hasn't  
7 ground to a halt. It isn't exactly what we would like  
8 it to be either in quantity or in quality, but it's  
9 moving, and some of it has changed, as a result, I  
10 think, of the efforts of this panel.

11 Now, it may be a small change, not as much as  
12 we would like to see have been, but it has happened.  
13 There has been some movement.

14 As for measurement, measures of progress,  
15 that's the fourth issue I think we have to deal with,  
16 we have tried the pilot projects, two of them have been  
17 done, and we hope that the others will also come  
18 through.

19 What we still need, of course, is reports on  
20 the progress of declassification work, and I keep  
21 saying something is happening. There's been some  
22 movement. You perhaps would like to know how much  
23 there has been, and we hope we're going to do that, and  
24 then, the other progress, of course, is in actual  
25 disposition of the records, the transfers to the

1 Archives, and the accessibility of those records.

2 We need reports on those things, too, and we  
3 hope that we will be getting them some time in the  
4 coming year.

5 From my standpoint, I think that sums up  
6 pretty much what I have to say at this point, and if  
7 there aren't any questions, I would like --

8 DR. WEINBERG: There is -- there is a  
9 question.

10 DR. GOLDBERG: Yes, indeed.

11 DR. WEINBERG: On the pilot project, you've  
12 indicated you've now identified what Component 1 and  
13 Component 2 is, but what is missing from this and seems  
14 to me critical, and I assume we'll come back to it, is  
15 that there is no date indicated for the period of time  
16 of the records on which these pilot projects were  
17 concentrated.

18 Were these records from the 1950s, the 1960s,  
19 the 1970s?

20 DR. GOLDBERG: It's what we indicated. We  
21 did --

22 MS. KLOSS: That's what you asked for on the  
23 minutes. You have listed the record groups that you  
24 want to review and the dates. That was on the original  
25 document.



1 DR. GOLDBERG: The specific records. We  
2 indicated what we wanted done. Part of the projects  
3 specified --

4 DR. WEINBERG: Well, which ones are these?

5 DR. GOLDBERG: These are Navy and OSD.

6 DR. WEINBERG: No, no, no. I know the  
7 agencies. What I'm talking about is the --

8 DR. GOLDBERG: Do you have --

9 DR. WEINBERG: -- ones that they actually  
10 picked from which dates. That was my question.

11 DR. GOLDBERG: They were the 1950s.

12 DR. WEINBERG: These were the 1950s.

13 MS. KLOSS: '50s.

14 DR. GOLDBERG: 1950s and perhaps into the  
15 early '60s.

16 DR. WEINBERG: Okay. And the OSD?

17 DR. GOLDBERG: Same.

18 DR. WEINBERG: Same. Okay.

19 DR. GOLDBERG: OSD got into 1960s. Yes, they  
20 were earlier records.

21 DR. WEINBERG: I can give you one piece of  
22 encouraging news since you said that the Department of  
23 Defense is not yet unified.

24 I learned this year that the three service  
25 academies have independently decided to use my book as

1 the textbook. So, there was some unification in a  
2 critical area.

3 DR. GOLDBERG: That's very good news. Let's  
4 hope they can move on.

5 DR. WEINBERG: In a few other things, yeah.

6 DR. GOLDBERG: Yes?

7 MR. DAVID: On this question of OSD records,  
8 I've been orally informed by OSD's declassification  
9 office that through the years, all the pre-1964 records  
10 and 330s of NRC have been systematically reviewed.

11 DR. GOLDBERG: Did you say '54 or '64?

12 MR. DAVID: '64.

13 DR. GOLDBERG: '64, yes.

14 MR. DAVID: And earlier this year,  
15 approximately 3,100 of the 330 records were transferred  
16 from WNRC to College Park. Most of those are  
17 classified as actions. Most of those are pre-'64  
18 records.

19 DR. GOLDBERG: They're classified, not  
20 declassified.

21 MR. DAVID: Classified sessions.

22 DR. LEFFLER: What does it mean to say that  
23 they've been reviewed, but yet they're classified?

24 MR. DAVID: They're still -- the -- the  
25 sessions or selections are still classified because

1 under Reagan's EO, OSD declassifiers went through these  
2 many thousands of pre-'64 records. They declassified  
3 some items. They did not declassify other items, and  
4 the still-classified materials are in the same boxes  
5 with the declassified materials.

6 DR. LEFFLER: So, nothing is available?

7 MR. DAVID: Nothing is available.

8 DR. LEFFLER: And what is being done about  
9 that, and who's responsible for trying to get those  
10 documents that have been declassified out of the boxes  
11 and accessible to the public?

12 MR. DAVID: The National Archives has the  
13 responsibility with respect to the approximately 3,100  
14 feet of 330 records that were transferred earlier this  
15 year from WNRC to College Park, and those still have  
16 not been processed.

17 It's a very, what I'll call, labor-intensive  
18 process. Someone -- hopefully when the  
19 declassification review is done, things that were  
20 declassified were clearly marked, including the  
21 authority, etc., and things that were not declassified  
22 were somehow tabbed, which would make it much, much  
23 easier for the NARA personnel to segregate the two, get  
24 the declassified materials in Archives boxes, properly  
25 labeled and make them available in the research.

1 MR. GRABOSKE: If I could just explain to  
2 Professor Leffler how the archival system works. We  
3 just got an instruction from Mr. Kurtz, I think it's  
4 Instruction 96.2, that classified and declassified  
5 documents are not to be segregated. The file group is  
6 to be left intact, and the archivists on the scene will  
7 have to go through the box and pull out the still-  
8 classified materials before they can provide the box to  
9 a researcher.

10 That is the Archives' position. Records must  
11 stay intact. They cannot be disturbed by segregating  
12 out classified from declassified.

13 DR. TRACHTENBERG: So, why is that so  
14 difficult to do, just to go through and --

15 MR. GRABOSKE: Because they just don't get  
16 put back together again. There's a point to having  
17 records filed the way they are. If you are pulling  
18 pieces of the file out that is still classified and  
19 putting them somewhere else, in practice, they don't  
20 get back to where they should be.

21 As a researcher, you need to know that this  
22 document is related to that document in a decision-  
23 making process.

24 DR. TRACHTENBERG: That's purely a clerical  
25 problem. You just -- you take it out, you xerox it,

1     you put it back. Is it -- we're talking, for example,  
2     in this pilot project here not about a massive amount  
3     of materials. Six cubic feet, just to pluck out 15  
4     percent of that, that's been declassified, shouldn't  
5     take very long.

6             MR. GRABOSKE: I'm just telling you what the  
7     instructions are to us as agencies.

8             DR. LEFFLER: Okay. So, those are the  
9     instructions. These things were done 10 years ago  
10    under the Reagan EO, and they've been sitting in DoD  
11    for the last 10 years, and nothing's been done.

12            MR. GRABOSKE: I'm just describing the  
13    archival practice of how they handle classified and  
14    declassified records.

15            DR. LEFFLER: Okay.

16            MR. GRABOSKE: There are provisions in the  
17    National Archives for their staff to remove classified  
18    records via withdrawal sheets and put them somewhere  
19    else, but for us as agencies we can't do that.

20            DR. LEFFLER: Well, can we put on our agenda  
21    for the next meeting to have Mike Kurtz come here and  
22    explain when he's going to get to work on this project?

23            DR. GOLDBERG: Well, it's not a simple  
24    clerical problem, unfortunately, if you have large  
25    volumes of materials. I mean it's a lot of people, and

1 most archivists shy away from segregating on demand.

2 It can be a big problem for them if there's a  
3 large quantity of materials involved. Now, what is  
4 involved here, it seems to me, is what might be called  
5 refried beans. They have to go through again the same  
6 materials that have been exempted and passed under the  
7 new Executive Order and make a determination of whether  
8 they're classified or not. So, that's doing it again.

9 DR. TRACHTENBERG: But in the meantime, why  
10 cannot the material that's already been declassified be  
11 made available? It's there. It's marked. Just pluck  
12 it out, make a copy of it, replace the original and  
13 make the copies available.

14 DR. LEFFLER: You're going to have to have  
15 Mike Kurtz tell you that.

16 DR. TRACHTENBERG: Did you look into this  
17 whole issue? Did you call up the --

18 DR. GOLDBERG: No, but I can understand, I  
19 think, what's involved. We're talking about thousands  
20 or tens of thousands of pages of materials and many  
21 hundreds of boxes to be gone through, materials to  
22 pluck out and xeroxed and made available and then  
23 replaced. It's a lot of work. It takes a lot of  
24 people.

25 DR. LEFFLER: How long have these materials

1       been in the Archives? Do you know? How long --

2               DR. GOLDBERG: Pre-1964 material?

3               DR. LEFFLER: Yeah.

4               DR. GOLDBERG: It varies, depending on when  
5 they were actually --

6               DR. LEFFLER: Well, I know that, but we --  
7 the whole group of papers from 1954 to '64, I take it  
8 that was accessioned as one group from '54 --

9               MR. DAVID: The roughly 3,100 feet of OSD  
10 records that were transferred earlier this year from  
11 WNRC to College Park as with several other thousands,  
12 thousands of feet of pre-'54 OSD records from WNRC,  
13 have been systematically reviewed through the years.

14               There's 3,100 feet that were transferred to  
15 College Park earlier this year, were transferred under  
16 what NARA calls a P-95 project. Originally, they were  
17 scheduled to be transferred to NARA some years ago, but  
18 until Archives II was built, there weren't -- there  
19 wasn't the room in the classified vaults.

20               So, their transfer was delayed until earlier  
21 this year.

22               DR. GOLDBERG: That was a transfer from the  
23 Records Center to NARA at College Park. They had  
24 already been in the Records Center, obviously, for  
25 varying periods of time, depending on when they had

1       been retired along the way.

2               MR. DAVID: Again, there is -- there are  
3       several thousand feet of pre-'64 OSD records still in  
4       the Records Center that have been systematically  
5       reviewed, and they have not been transferred to College  
6       Park.

7               I met with several people at College Park in  
8       the last month and asked if there were any current  
9       plans for transferring the balance of the  
10       systematically-reviewed records to College Park, and  
11       they said that there are no current plans.

12              DR. GOLDBERG: Well, that's a matter for the  
13       Archives then, isn't it?

14              MR. DAVID: Pardon?

15              DR. GOLDBERG: I say it's a matter for the  
16       Archives' decision then --

17              MR. DAVID: Correct.

18              DR. GOLDBERG: -- on directive --

19              MR. DAVID: Correct. There -- OSD obviously  
20       has some input into the decision as to what OSD records  
21       are transferred from WNRC or some OSD site to College  
22       Park, but in this vein, I would urge the advisory panel  
23       to write a letter to the Archivist of the United States  
24       asking that the balance of the OSD records from before  
25       '64 that have been systematically reviewed be



1 transferred over to College Park.

2 This issue of processing by the NARA  
3 personnel at College Park is a huge problem. This  
4 meeting I had within the last month, people said there  
5 were many thousands of feet of unprocessed records from  
6 all sorts of Executive Branch agencies, and, for  
7 example, even if they get unclassified Department of  
8 Labor records, let's say 600-foot accession or  
9 collection, there may be Privacy Act problems, not  
10 national security information or restricted data, but  
11 Privacy Act, which hasn't been dealt with by the  
12 Department of Labor, and, so, before they make those  
13 available to the public in the Central Research Room,  
14 they have to do something with them.

15 DR. GOLDBERG: Thank you.

16 Mel? Excuse me. I'm going to recognize  
17 Warren Kimball before he bursts a blood vessel.

18 MR. KIMBALL: No, no. It's true. Yeah.  
19 You're right. Thank you.

20 The fact is that -- that -- that you --  
21 you're not getting the full story. You're just not,  
22 and it's not for me to sit here and give it. State  
23 Department Archives are open all the time with  
24 classified material in them. The material is pulled in  
25 one manner or other, whether they have segregated files

1 which are only temporarily segregated or not.

2 In fact, that's not your concern, how the  
3 Archives does it. You just do what they say, and they  
4 should take care of it. I just tell you that State  
5 Department Archives with classified materials, boxes  
6 with classified materials, are made available to the  
7 public. Classified material is taken out.

8 So, there's a way to do it that's being done  
9 by another agency on a routine every-day basis.  
10 Michael Kurtz, given some questions that you have to  
11 ask and some specific questions to ask, Michael can  
12 come over here and straighten it out. He knows what  
13 he's talking about, and he can sit here with this group  
14 and really give you the straight information. I'm not  
15 about to try because I just know one side of the house.

16 DR. GOLDBERG: All right.

17 MR. KIMBALL: And I think that Mel's  
18 suggestion would -- would, you know, just save you an  
19 awful lot of time. Get Michael over here and find out  
20 what the heck the real story is, but give him heads up  
21 so he's ready with specific answers to specific  
22 questions.

23 DR. LEFFLER: I'd like to ask. These  
24 materials that you're alluding to that have been moved  
25 to -- to the Archives, they were reviewed under the old

1 Executive Order. They've not been reviewed under the  
2 new Executive Order.

3 MR. DAVID: Why re-review them?

4 DR. LEFFLER: Why re-review them? Pardon me?  
5 You think the Carter Executive Order provides and the  
6 end of the Cold War and this criteria are still the  
7 same as they were prior to 1988?

8 MR. DAVID: I would say my guess would be  
9 that very few further materials would be declassified  
10 with the new review.

11 DR. LEFFLER: That's really an alarming  
12 statement. Let me just say that is an alarming almost  
13 preposterous statement.

14 MR. DAVID: Well, characterize it as you  
15 want, but, for example, OSD has no authority to  
16 declassify RD. So, all the RD, NSI RD documents, the  
17 330 records, are not going to be declassified under the  
18 new EO. They weren't declassified obviously under  
19 Reagan's EO.

20 My point is, is that currently, there's 3,100  
21 feet of OSD -- additional OSD records in College Park  
22 that have been systematically reviewed. Obviously a  
23 lot of documents have been declassified. I was told in  
24 some cases there was coordination with other agencies.  
25 In other cases, there wasn't. In some cases, there was

1 action. In other cases, --

2 DR. LEFFLER: Well, is --

3 MR. DAVID: -- there hasn't been.

4 DR. LEFFLER: Is the 15 percent on this pilot  
5 project illustrative of the large number of documents  
6 that --

7 MR. DAVID: I haven't seen the documents  
8 you're looking at.

9 DR. LEFFLER: I see. Hm-hmm.

10 DR. GOLDBERG: We --

11 DR. WEINBERG: Well, it seems -- oh, excuse  
12 me.

13 DR. GOLDBERG: Yeah.

14 DR. WEINBERG: If the reading -- obviously at  
15 the present time, when Archives services the records  
16 that we're talking about, they have to do exactly what  
17 Kimball just referred to; that is -- I mean I've worked  
18 with records like this many times. The person  
19 servicing has to pull out the classified and give you  
20 the rest of the box.

21 But if people in the Archives seriously think  
22 that the Clinton Order is -- makes no difference when  
23 it has different time schedules in it and different  
24 criteria, then they need a lesson in elementary English  
25 and need to read the new Executive Order again.

1                   Time limits and factors are different.  
2           Classifications in certain areas are different.  
3           Certain of the major exemptions are the same. That's  
4           entirely correct, but because two Executive Orders have  
5           a certain number of words that are the same in both  
6           does not mean that they are the same, and the real  
7           issue will be at some point down the pike that not only  
8           in the DoD records, but in others which were screened  
9           under the prior Executive Order, over a period of time,  
10          re-screening will be necessary, and my own experience  
11          has been that with dealing with the Archives when the  
12          stuff was still in Suitland was that as material that I  
13          asked for was serviced on, I gave them lots of numbers  
14          way ahead of time, and then they would check under  
15          whatever the latest order was, and certain things that  
16          had been -- that had been hung up on the prior one  
17          could be released, and some couldn't be, and, of  
18          course, they were marking them as they went along, and  
19          as a result, the classified and removed part was slowly  
20          shrinking, and at some point, it seems to me that's  
21          going to have to be done in College Park, probably as  
22          people ask for the boxes, because they will not have  
23          the personnel to do the whole thing systematically over  
24          again, but that doesn't mean that when somebody asks  
25          for eight boxes, they cannot take those eight boxes.

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1 MR. KIMBALL: They won't do it. You won't  
2 give them the declassification authority. I mean I  
3 just warned you. You're going to have to fight -- I  
4 don't want to refer to that. You bring that up with  
5 Michael. They won't do it for you.

6 MR. GRABOSKE: They have in the past.

7 MR. KIMBALL: It's going to be -- they'll do  
8 little nit-picking things. It's a DoD responsibility  
9 to declassify, just like you said the Navy won't give  
10 it to DoD Central. Same problem throughout the  
11 government. So, be careful with that.

12 MR. GRABOSKE: Well, they have done -- all I  
13 know is from experience at Suitland that they have done  
14 that.

15 DR. LEFFLER: Well, let's ask the question  
16 specifically. Will OSD provide the authority to the  
17 National Archives to review and declassify the records  
18 that are now already accessioned? That's the -- that's  
19 the precise question that needs to be asked.

20 Then we know who to really address our  
21 subsequent complaints to, if it's not done. If it's --  
22 if OSD is retaining the authority to do it, then we  
23 should be talking to OSD. If OSD is willing to  
24 allocate the authority to declassify to the Archives,  
25 now that those records are at the Archives, then we

1 should be speaking to the people at the Archives about  
2 it.

3 DR. GOLDBERG: Well, once they have been  
4 accessioned, the Archives does have authority. On the  
5 other hand, they can still go back and check --

6 DR. LEFFLER: They do not have authority -- I  
7 mean --

8 DR. GOLDBERG: They have a very large  
9 declassification organization.

10 DR. LEFFLER: Yes, but only -- only -- only  
11 when that authority has been allocated to them by the  
12 agency.

13 MR. KIMBALL: In writing.

14 DR. LEFFLER: In writing. This is stated on  
15 the basis of long experience with State Department  
16 records.

17 DR. GOLDBERG: And you are saying that no DoD  
18 agencies have given that authority?

19 DR. LEFFLER: I do not know that. I'm saying  
20 let's find out which ones have.

21 DR. TRACHTENBERG: Jean Schaebel told us at  
22 the last meeting that -- that when we were discussing  
23 this whole issue of the delegation of authority within  
24 the Defense Department, she said that the authority had  
25 been delegated to the Archives for the material that

1 had been turned over. She's not here today.

2 DR. LEFFLER: No, that's not what she said.

3 DR. TRACHTENBERG: She told me that.

4 MS. KLOSS: DoD has had issue directives for  
5 systematic declassification for years. That is  
6 primarily what NARA has been working on in the past.  
7 They still identify the records in advance. They still  
8 notify the agencies. The agencies have the opportunity  
9 to review the records and coordinate the action.

10 Minus that, NARA has and for years had broad  
11 general guidance via systematic declassification  
12 instructions to carry on their functions.

13 DR. TRACHTENBERG: So, there has been a  
14 delegation.

15 DR. LEFFLER: They have broad general  
16 guidance that they do not feel provides them with the  
17 specific ability to declassify specific records, and  
18 unless -- unless that authority is allocated to them,  
19 they do not do it. They come back because it's general  
20 coordinating. That essentially means they must come  
21 back to the agency to really get the precise  
22 authorization to open up the records.

23 DR. GOLDBERG: And this applies to all  
24 categories?

25 DR. LEFFLER: I don't know if it applies to



1 all categories, but it certainly applies to --

2 DR. GOLDBERG: I think -- I think not. Yes?  
3 Can you make this brief? Because I want to get on with  
4 two briefings now, please.

5 MR. DAVID: Jean Schaebel has told me several  
6 times that NARA has very little authority from OSD to  
7 classify OSD information.

8 DR. LEFFLER: Very little authority?

9 MR. DAVID: Very little authority.

10 DR. LEFFLER: Yes, of course.

11 DR. GOLDBERG: Are you talking about OSD or  
12 DoD?

13 MR. DAVID: It varies by DoD component. From  
14 OSD very little authority. From other DoD components,  
15 more authority.

16 She also told me that recently, College Park  
17 has issued guidelines to all the agencies instructing  
18 them how to send to the Archives collections,  
19 accessions, boxes, etc., that have been reviewed.

20 Is anyone in this room familiar with those as  
21 to the markings that need to be put on the declassified  
22 documents? How the still-classified documents are to  
23 be marked, so on and so forth, to help College Park  
24 process? I did not see a copy of that.

25 MS. KLOSS: It's quite a lengthy instruction.

1 Quite lengthy. Tabbing records, expanding them, color-  
2 coding and so forth.

3 DR. GOLDBERG: Right. All right. I'd like  
4 to get on now with the briefings that we have  
5 scheduled. One of them by Brian Littel for the  
6 Intelligence community, we will not have because he's  
7 still wandering around Europe somewhere and hasn't  
8 gotten back for this.

9 We have two on the schedule, one from the  
10 Department of Energy and one from the State Historical  
11 Advisory Committee.

12 Is Mr. Gosling here from Energy?

13 (No response)

14 DR. GOLDBERG: It looks like we're only going  
15 to have one, doesn't it?

16 MS. KLOSS: Well, I did do good instructions.

17 DR. GOLDBERG: Do you think they're outside  
18 wandering around?

19 MS. KLOSS: Why don't you come up?

20 MR. KIMBALL: Does this mean I get a full  
21 hour since the other one didn't show?

22 DR. GOLDBERG: No, absolutely not.  
23 Absolutely not.

24 MR. KIMBALL: Gee whiz. I'll talk in  
25 shorthand then.

1 DR. GOLDBERG: Good.

2 Orientation Briefings

3 Department of State Historical Advisory Panel

4 MR. KIMBALL: Thank you.

5 I think the first point I'd like to make is  
6 that the job can be done, it really can be. It's not  
7 easy. It's very difficult. It takes an awful lot of  
8 focus, and it takes a lot of pushing, but the job can  
9 be done, not perfectly. I'm not happy with the State  
10 Department, and I don't think anybody on the committee  
11 is happy with it, but we're sure happier than we were  
12 before, and -- and I think the job can be done.

13 So, I mean in the long term very optimistic,  
14 and I'd like to give you some reasons why I think the  
15 State Department committee has had some success, and  
16 whatever lessons that might offer to you that are  
17 useful, that's great.

18 State Department Advisory Committee, as you  
19 probably know, in 30 seconds or less was created  
20 because the State Department did a really ridiculous  
21 thing by publishing a volume of foreign relations that  
22 contained virtually no intelligence information, yet  
23 the volume was about the period of U.S. relations with  
24 Iran when Mossadeck was overthrown, and we have enough  
25 memoir and British material to demonstrate beyond a

1 measure of doubt that in fact it was a covert  
2 operation.

3 Then a little investigation, and they found  
4 out the same thing with Guatemala in the mid-'50s. So,  
5 this created a furor, and the long and short of it is  
6 that a -- a curious triumvirate of David Boren, who had  
7 some problems with the CIA, and Claybourne Pell, who  
8 was -- you know, liberal credentials are bona fide, and  
9 Jesse Helms, whose simple position was that he didn't  
10 think a bunch of pinko homosexuals in the State  
11 Department should be allowed to keep secrets, whatever  
12 their reasons, whatever their reasons, -- that quote is  
13 from one of his staffers.

14 Whatever their reasons, they passed a law  
15 which created a requirement that the State Department  
16 review its materials for declassification, everything,  
17 review everything on a 30-year basis. Okay?

18 In addition, it made the foreign relations  
19 series a requirement by law as opposed to custom.  
20 Okay.

21 In that process -- this is 1991. In that  
22 process, -- and I should give Page Miller some credit  
23 for helping to write the law. She and Frank Severts in  
24 some smoke-filled rooms over on the Hill.

25 But in any event, in addition, it created the

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1 committee, and if I may say with extraordinary  
2 immodesty since I've been on it since it was created, I  
3 think we, and I mean we, the nine people on the  
4 committee, have done a valuable service to the American  
5 public because we were given an opportunity to do it.  
6 Anybody here in this room could have done the same  
7 thing, but we had a chance because of the law.

8 The committee is independent. No government  
9 officials, no government officers may serve on it.  
10 They all sit in a room, and they all offer things, and  
11 the executive secretary of the committee is the  
12 historian of the Department of State, roughly your  
13 equivalent, I guess, in this situation.

14 DR. GOLDBERG: Very roughly.

15 MR. KIMBALL: Roughly speaking. And -- and  
16 -- and he is the executive secretary. We're not  
17 allowed to have meetings without him present, which is,  
18 I think, absolutely proper. This is not an adversarial  
19 relationship, but nonetheless every one on the  
20 committee is independent of the government.

21 DR. GOLDBERG: Who's the appointing  
22 authority?

23 MR. KIMBALL: The Secretary of State, but the  
24 Secretary of State must take the names from nominations  
25 from various professional groups, except for the at-

1 large members, where, although the Secretary has always  
2 taken then from these lists, there is no requirement  
3 that the Secretary take them for the at-large.

4 The six professional organizations  
5 represented and three at-large members, serving  
6 senatorial-type staggered terms in three years each, so  
7 you lose three each year.

8 The committee has real authority.  
9 Fundamentally, it has real oversight authority. It is  
10 responsible to the Secretary of State and to Congress  
11 for the implementation of the provisions of the law.  
12 We have to send a report to Congress. We keep Congress  
13 informed if there are problems, which, generally  
14 speaking, there have not been in the last few years.  
15 Difficulties but not problems.

16 But we have real oversight responsibility and  
17 authority. I wore this today not because I needed to  
18 get in here but to remind you all, we also have  
19 clearances. So that no one is able to say to us, well,  
20 I can't talk about that. You know, the argument from  
21 expertise which frequently has nothing to do with  
22 classification, it has to do with other situations.  
23 Nobody can argue from expertise with us. They have to  
24 tell us show us the documentation. That, by the way,  
25 has -- I don't think any of us have reported anything

1 illegal in the front page of the New York Times yet.  
2 We actually can be trusted.

3 The -- the committee is not then a purely  
4 advisory committee. It has certain specific  
5 responsibilities. The law, fortunately, sets forth  
6 some very specific time schedule responsibilities as  
7 well.

8 For example, I was intrigued to hear you  
9 talking about -- a question came up about when things  
10 would be accomplished and when certain reviews would be  
11 accomplished. If you read that law, which is short,  
12 readable, you will find that in declassification review  
13 for the foreign relations series, there are specific  
14 30-60-90-120-day deadlines that people have to meet,  
15 and in fact, the historical office itself has imposed  
16 some of its own internal deadlines, in addition, on its  
17 own people, in addition to the law.

18 That's been pretty effective. It wasn't easy  
19 at first, but it's been pretty effective. Progress.  
20 It's been a fascinating journey. Because we had --  
21 just as an example, because we had clearances, we were  
22 inclined to ask the Department of State's Bureau of  
23 Intelligence and Research, gee, do you have any  
24 records? We don't see those records. We don't see  
25 them in the Archives. We don't see them cited in

1 foreign relations, but we know you have a big  
2 operation, and so on. Oh, yeah, we have records.  
3 Sure. You can't see them.

4 I said yeah, we can. Said, oh, well, yeah,  
5 but you don't have need to know. Well, it happens in  
6 the law, it says the committee by definition has the  
7 need to know. Stated in the law. Okay. So, we got  
8 past those little hurdles, had a wonderful briefing  
9 from a very erudite smart guy who I hope in his  
10 retirement writes a book about this stuff because he'd  
11 be a great writer, and he tells us some great stories,  
12 and he's going through the whole thing. He says, but,  
13 of course, we'll never declassify these records, not in  
14 your lifetime. They're now appearing in the foreign  
15 relations series. They're now scheduled for accession  
16 to the National Archives with declassification review,  
17 with access in the Archives to those portions of the  
18 INR records that have been declassified.

19 DR. GOLDBERG: Who declassified those?

20 MR. KIMBALL: State Department.

21 DR. GOLDBERG: Who in the State Department?

22 MR. KIMBALL: State Department has a -- the  
23 HDR.

24 DR. GOLDBERG: What does the panel do by way  
25 of declassification?



1 MR. KIMBALL: Nothing.

2 DR. GOLDBERG: How many documents can you  
3 possibly look at?

4 MR. KIMBALL: Okay. We are not -- good  
5 question. I'm glad -- let me clarify. We're not in  
6 the declassification business. We have no  
7 declassification authority nor would we want it. Okay?  
8 We're not interested in damaging national security. I  
9 might point that out to the -- some people may doubt  
10 that.

11 We're interested in giving the American  
12 public access to its history. It's as simple as that.  
13 If it's a democracy, it should have access, without  
14 jeopardizing national security. Okay.

15 We are there with oversight not on  
16 declassification decisions, but we are there to ask  
17 questions about declassification standards, and we  
18 raise those all the time, and in the process of  
19 discussing with HDR, that's -- what the heck is HDR?  
20 Document Review Section. H must be Head. I keep  
21 getting these memos from HDR.

22 Anyway, we discussed with HDR what are your  
23 standards? Let us see your written standards for  
24 declassification review. We have teams of State  
25 Department people in the Archives going through records

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1       that were accessioned prior to review. That -- that --  
2       that's too complex for a committee to deal with, but  
3       the bureaucrats are handling that and handling that  
4       very well. I don't use the word "bureaucrat" as a  
5       pejorative, by the way. I've been criticized for that.  
6       I don't mean it that way.

7               The review that we do is designed to examine  
8       standards, to make sure that Cold War standards that  
9       are no longer relevant, for example, aren't being  
10      applied routinely to documents, and so that we sample  
11      things.

12             Foreign relations series is a little bit  
13      special because there, we actually get into specific  
14      appeals on declassification to higher authority because  
15      we're trying to get those documents covered. That's  
16      not really relevant to your situation. Your situation  
17      is the archival one, and we review the Archives. We do  
18      random sampling of the Archives to see what the  
19      declassification standards being applied are, and  
20      that's how -- how I think Mel and I know that State  
21      Department is the one that has to set the standards and  
22      do most of the declassification work in the Archives  
23      because Archives backs away from anything that is not  
24      really very simple and obvious.

25             DR. LEFFLER: I might add, the committee

1 samples and then raises questions about whether the  
2 criteria is being implemented in a precise way.

3 MR. KIMBALL: Absolutely.

4 DR. LEFFLER: Yeah.

5 MR. KIMBALL: Absolutely. Yeah. I mean we  
6 try to get a sense of are they being implemented  
7 consistently, for example, and we'll find times when,  
8 one declassifier is, you know, applying this standard  
9 in one way, another one is doing it in a different way.  
10 That's understandable. That's human beings. But  
11 that's part of our job.

12 The other thing is that we are tasked with  
13 the responsibility to ensure that the State Department  
14 records are reviewed for declassification by the time  
15 they're 30 years old, and all declassified records are  
16 made available to the public, and, so, we -- we not  
17 only look at the standards for declassification, but we  
18 look at some questions that you've raised which are  
19 where are those records, why are they sitting in a  
20 warehouse or in a pallet or in a -- in a -- in a closet  
21 somewhere in Archives or in DoD or State or wherever  
22 they are, and why aren't they moving on, and by -- by  
23 focusing on those specific tasks, we have managed to --  
24 we have managed to find out that most of the  
25 bureaucrats that we work with want to do a good job.

1           We found out that most of the bureaucrats we  
2       work with don't want to break the law. We found out  
3       that most of the bureaucrats we work with are honest-  
4       to-God good Americans who believe that the American  
5       public ought to see this stuff.

6           We also found out that intra-agency and  
7       inter-agency communications virtually don't exist. We  
8       have found -- our committee has acted as a broker for  
9       arrangements between other agencies, including DoD. We  
10      brokered an arrangement with DoD and stayed on some  
11      declassification you had given us. Some of your people  
12      had given us, State, declassification authority over --  
13      over certain records, and there's been a vice versa.  
14      So that we can clean up each other's equities that are  
15      in our own records.

16           But we've brokered --

17           DR. GOLDBERG: Have you found that  
18      information is withheld from you?

19           MR. KIMBALL: No.

20           DR. GOLDBERG: You don't know?

21           MR. KIMBALL: No. It -- ah. Yes and no.  
22      Yes and no. Some agencies withhold. I wish Brian  
23      Littel were here. I'd flatly say I do not believe the  
24      CIA's candid with us.

25           DR. GOLDBERG: Oh, I'm talking about State,

1 within State.

2 MR. KIMBALL: Perhaps we don't hear the full  
3 story. If we ask questions, we get straight answers.  
4 You're right. We have to ask the right questions, but  
5 I don't -- I'm not uncomfortable with the degree of  
6 knowledge that the committee has been afforded by State  
7 and by most agencies. I'm not uncomfortable with it,  
8 even if we don't know the whole story on certain  
9 things, particularly the politics of certain things.

10 DR. GOLDBERG: Ignorance can be bliss.

11 MR. KIMBALL: Well, no, I don't mean that. I  
12 don't think that's fair at all. I think that -- that  
13 if you look at the total amount of accomplishments that  
14 -- that -- that this whole new process under the law  
15 has achieved, then, okay, if we're missing some things,  
16 I wish we weren't, but we -- we -- we've moved a huge  
17 step in the right direction, and my point is that the  
18 law gave us something that advisory committees  
19 sometimes don't have. It gave us oversight authority  
20 and responsibility, and it gave us focus.

21 There are certain requirements in the law.  
22 We're supposed to do certain things. So that if I'm in  
23 a meeting, and -- and we start wandering off into areas  
24 that don't really relate to the law and are brief, my  
25 tendency is to say, hey, this is not what we're here

1 for, and we get down to business, which has been  
2 extraordinarily useful because, you know, advisory  
3 committees only meet occasionally, and if they're going  
4 to have an impact, they have to really have a lot of  
5 focus, and we've been able to do that because of the  
6 law.

7 We do play some role in a question you're  
8 wrestling with, which is trying to help declassifiers  
9 set priorities. It struck me in -- in the discussion  
10 that you were having that you almost really ought to  
11 have three advisory -- four advisory committees, one  
12 for each branch of the service and one for the broad  
13 OSD problems because the kind of questions you're  
14 dealing with are so very different.

15 Policy, national security policy is a DoD  
16 function or an OSD function, rather, not a service  
17 function, and military strategy, tactics and all of  
18 that sort of thing are -- are -- arms and what have you  
19 get down to the -- so, that's for you to talk about,  
20 but it just struck me that, you know, that that's --  
21 it's a very complex thing to try to discuss those  
22 different levels of things at a meeting like this.

23 I'm disappointed that -- unless he's here.  
24 Steve Garfinkel?

25 (No response)

1 MR. KIMBALL: He's going to be here. I'm  
2 quite honest, and I wish he were here to say this, and  
3 you tell him I said it, I think that one of the things  
4 that we need is an energized intelligence oversight  
5 office, ISOO. I think that we need to have some  
6 energetic, vigorous, dynamic leadership from that  
7 office, which is now under the Archivist of the United  
8 States, and I think anything this committee can do to  
9 push ISOO to provide inter-agency leadership in this  
10 whole process, I think, would benefit everybody.

11 I'm not sure -- I'm not sure I need to -- I  
12 need to -- I'd almost rather answer questions. I'm not  
13 sure I need to give you more detail on this.

14 Mel, can you -- you know this committee and  
15 what it knows and what it doesn't know and where I  
16 could fit in what I have better than I do.

17 DR. LEFFLER: I think you provided the  
18 essential --

19 DR. MILLER: I thought you were going to talk  
20 about risk management.

21 MR. KIMBALL: I am. That was the last item.  
22 I have it right here. Yes, ma'am. Is it okay?

23 MS. KNOX: I would like to know if the matter  
24 of the Korean War POW and MIAs is under your panel.

25 MR. KIMBALL: Okay.

1 MS. KNOX: And if so, can you give us any  
2 priorities? I am legal counsel to the Korean War  
3 Association. We have tried for years to get any  
4 attention whatsoever. We've FOIA'd documents. We are  
5 routinely told --

6 MR. KIMBALL: Let me answer your question.  
7 Let me answer your question. Very simply. We do not  
8 -- and this was a decision the committee made early on.  
9 We are not involved and do not intend for the present  
10 to get involved in specific requests because if we get  
11 involved in trying to deal with specific -- no matter  
12 how good the cause, with specific organizational  
13 requests for documentation, there's nothing in the law  
14 that says that's a responsibility or that we have any  
15 authority there. As individuals, we might, but -- but  
16 as a committee, we have stayed away from that.

17 So, my answer is no, we haven't gotten into  
18 that. The second thing is our committee has taken a  
19 very strong stand against targeted review. Now, that  
20 isn't really targeted because that's -- if it's just  
21 Korean War, that's -- and Vietnam, those are both older  
22 than 30 years.

23 So, our position is that it is a very bad  
24 idea to go in for JFK assassination things and what  
25 have you because while these are sexy topics that have



1 a great deal of pizzazz as far as the public is  
2 concerned, they steal money from systematic  
3 declassification, and the only way we're going to get  
4 this monkey of -- of Washington washing classified  
5 materials -- the only way we're going to get that  
6 monkey off our back is to move toward more effective,  
7 more cost-effective, more efficient systematic  
8 declassification of everything, and that would include  
9 your documents. Okay?

10 MS. KNOX: You said prioritizing. What other  
11 criteria that you use --

12 MR. KIMBALL: Okay. What we tried to do is  
13 assist the State Department in prioritizing the kind of  
14 records that we think are historically important.

15 MS. KNOX: Isn't that a --

16 MR. KIMBALL: It might be, but I'm not going  
17 to discuss that here.

18 MS. KNOX: No, but I --

19 MR. KIMBALL: But -- but it could be. It  
20 could -- it could fall under a prioritization thing  
21 that we would do, although we tend to look at it in a  
22 broader sense.

23 DR. LEFFLER: Well, we tend to look at types  
24 of record groups, not topics, but types of record  
25 groups, central files, lot files, post files, which

1 types of files, those types of things, but we don't say  
2 or we have rarely said, well, let's focus attention on  
3 Western Europe or Southeast Asia or this country or  
4 that country.

5 MR. KIMBALL: Right.

6 DR. LEFFLER: But have focused more on -- on  
7 the nature of the record groups themselves and which  
8 ones historians generally deem as most important in  
9 terms of the value of information to the American  
10 public.

11 DR. GOLDBERG: Panels of this kind are not  
12 really in a position to direct particular specific  
13 topics be given priority. We can make recommendations.  
14 We can suggest perhaps. We certainly cannot direct it.

15 It seems to me that your best bet would be to  
16 get political support as other special areas of this  
17 kind are done, and they've gotten --

18 MR. KIMBALL: Steal some more money from the  
19 systematic declassification.

20 DR. GOLDBERG: That's right. This is -- and  
21 this is going to continue. As long as you can get  
22 political support for things of that sort, it will go  
23 on.

24 MR. EPLEY: How much resources has the State  
25 Department? Has the State Department allocated

1 additional resources for this project or --

2 MR. KIMBALL: Okay.

3 MR. EPLEY: -- is this out-of-pocket? You  
4 know, out of the normal operating budget?

5 MR. KIMBALL: All right. State Department  
6 has taken bigger cuts than any of the other major  
7 agencies as they announce on a regular basis, and in  
8 this case, I think they're pretty right.

9 However, the law requires that the State  
10 Department support this process. It's in the law, and  
11 moreover, I must say that under both the Bush and  
12 Clinton Administrations, so it's a non-partisan thing,  
13 this committee, our State Department Advisory  
14 Committee, and the declassification process have had  
15 truly solid and effective support from the top, and I  
16 was disturbed when you said you couldn't get support on  
17 the -- you know, money and so on from the top.

18 The decision --

19 DR. GOLDBERG: It's not a matter of support;  
20 it's a matter of intention.

21 MR. KIMBALL: No. I understand that. What  
22 I'm saying is the intention in the State Department was  
23 to make sure that this process received sufficient  
24 resources in order to make it work, and that was the  
25 decision from the seventh floor, and the details were

1 left to other people, but that was the decision, and  
2 that's been carried out by both Administrations.

3 DR. WAMPLER: And the fact that it's a  
4 legislative mandate to do this?

5 MR. KIMBALL: Oh, yes.

6 DR. WAMPLER: I mean --

7 MR. KIMBALL: Oh, yes.

8 DR. WAMPLER: -- without that, --

9 MR. KIMBALL: Without that, --

10 DR. WAMPLER: -- the support wouldn't be  
11 there.

12 MR. KIMBALL: -- would the State Department  
13 have told us to go pedal its papers? I fear maybe not  
14 quite in that nasty a term, but we would not be  
15 anywhere near a -- I mean that's part of the problem  
16 that any advisory committee has, if it exists at the  
17 sufferance of the secretary of whatever, then that  
18 advisory committee, if it says ugly things, it's going  
19 to disappear.

20 I mean I know of one advisory committee that  
21 has had a purge recently. It's not called a purge, but  
22 it was a purge because certain members of that advisory  
23 committee were saying things that the head of that  
24 agency didn't like, and, so, all of a sudden, there's a  
25 purge.

1 DR. GOLDBERG: But you are aware to the  
2 extent to which legislative mandates and executive  
3 directives are often watered down or even ignored,  
4 aren't you?

5 MR. KIMBALL: Well, once again, I would -- I  
6 would say that I have a great deal more faith in the  
7 bureaucracy, most bureaucrats, who are loyal Americans  
8 who want to obey the law. They try hard. That's our  
9 experience. They try hard.

10 We don't always agree on what they're trying  
11 to do, and we have great arguments, and we bang the  
12 table and so on and so forth. But since we won't go  
13 away, the -- the -- the ultimate thing is let's work  
14 together, and -- and I'm pretty well convinced -- I  
15 don't think I accept your position. I'm sorry. I  
16 think we disagree.

17 I think most of the people that we run across  
18 in the government really want to do what the law and  
19 what the Executive Orders and what the directives say.  
20 Part of the problem is communication, part of the  
21 problem may be enthusiasm from the top. I -- you know,  
22 there's a lot of different reasons, but I think --

23 DR. GOLDBERG: I can accept --

24 MR. KIMBALL: -- I disagree.

25 DR. GOLDBERG: -- that. I'm simply pointing

1 out that there are exceptions, also, and that they have  
2 occurred in the past and are probably going to occur in  
3 the future.

4 MR. KIMBALL: Sure. And if you have a law,  
5 and you violate it, you go to jail, and you lose your  
6 pension.

7 DR. GOLDBERG: Not necessarily. It doesn't  
8 -- yes?

9 DR. AFTERGOOD: Warren, it seems in a  
10 nutshell what you're saying is the reason your  
11 committee has been successful is (a) you have a law to  
12 back you up, but (b) you have a specifically-identified  
13 task in the form --

14 MR. KIMBALL: Yes.

15 DR. AFTERGOOD: -- of FRUS. So, you have --  
16 so, you know --

17 MR. KIMBALL: More than FRUS. I -- I -- I --  
18 I hasten to add --

19 DR. AFTERGOOD: Okay.

20 MR. KIMBALL: -- and the Archives.

21 DR. AFTERGOOD: The more --

22 MR. KIMBALL: Equally important.

23 DR. AFTERGOOD: But you have a well-defined  
24 task. So, --

25 MR. KIMBALL: Yes.

1 DR. AFTERGOOD: -- at a minimum, you know  
2 whether you're succeeding or failing. I mean it's  
3 clear whether you're -- and I mean --

4 MR. KIMBALL: We set goals for ourselves.

5 DR. AFTERGOOD: -- on the one hand, that's --  
6 that's -- that's nice to hear. On the other hand, it's  
7 kind of discouraging in the context of this panel. I'm  
8 wondering what is the analog that would be possible for  
9 this panel or for DoD generally.

10 Are you saying to get anything done, we need  
11 a law, and we need a well-defined program of activity  
12 along the lines of FRUS?

13 MR. KIMBALL: No and yes. No, I mean I'm  
14 realistic, getting a law like that passed for every  
15 agency is a long, hard task. We might say that we want  
16 Page to do nothing else but that, see if she can get  
17 that done, but, no, I don't think a law is absolutely  
18 necessary, though God knows it helps. All right.

19 I do think, yes, I absolutely do think that  
20 focus is needed. I think that -- that -- that there  
21 needs to be a charter for any advisory committee with  
22 some very clear goals and objectives that will aim that  
23 committee in the direction that is advisable, if you  
24 will. I think that's important, yeah, trying to get  
25 that together.

1           The other thing that's important is -- and  
2           what would make a law less necessary is a commitment  
3           from the leadership. If the leadership is willing to  
4           commit to the process, then that substitutes a great  
5           deal for the law. Even though you can't bind the next  
6           Secretary of Defense, if you get a process rolling, and  
7           you get, you know, you get momentum, you get the big mo  
8           rolling along there, the next Secretary of Defense is  
9           going to be caught up in it, too.

10           BRIG. GENERAL ARMSTRONG: Do you have that  
11           sort of a commitment from State?

12           MR. KIMBALL: Yes, absolutely.

13           BRIG. GENERAL ARMSTRONG: When did that  
14           happen?

15           MR. KIMBALL: I really do. That -- no  
16           question, it came with the law. No question that it  
17           came with the law. But what was interesting is that  
18           two assistant secretaries for public affairs, who also  
19           were close advisors, it's where the Secretary of State  
20           frequently plops his or her close advisor, in one case,  
21           Margaret Tutweiler, who was Jim Baker's close advisor,  
22           in the other case, Tom Donovan, who was up on the  
23           seventh floor, he's never down in public affairs, he  
24           was always up in the Secretary's office, they were  
25           our -- our boss, if you will, the public affairs, and

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1       that's the division that handles all that.

2               They were adamant in their support for  
3       opening up documents. Very interesting. Margaret  
4       Tutweiler felt it was a good thing for James Baker,  
5       made no bones about it, said that. This is good makes  
6       the Secretary look good, and Tom Donovan just was a  
7       classic liberal who said that the public ought to know.  
8       Neither one of them said just open it up. That wasn't  
9       their point. But systematic declassification was  
10      agreed.

11             DR. LEFFLER: Warren, why don't you talk a  
12      little bit about the accessibility that the committee  
13      has had to key officials?

14             MR. KIMBALL: Yeah. That's a good point,  
15      too. We have been happy at working luncheons to have  
16      really all of the senior leadership in the State  
17      Department right up to but not including Secretary  
18      Christopher. We've had the Under Secretary of State  
19      for Management. We've had more assistant secretaries  
20      of State that I can remember their names.

21             We've had the Archivist of the United States.  
22      We've had -- Michael Kurtz comes over any time. He  
23      is -- he's a -- he cares about the process. He really  
24      does. He's an excellent person to work with. I have  
25      great admiration for him and never -- never misled us,

1 not once.

2 Yeah. We've had great access, and that's  
3 important, too. I mean government has a human face,  
4 you know, and if you talk to the people, all of a  
5 sudden, when it looked like intractable problems, can  
6 get worked out over a bottle of beer at lunch time, and  
7 that's been very effective.

8 DR. WEINBERG: I'd like to make a comment.  
9 After all, I'm a historian, and there's a history to  
10 this, which I think relates to your questions.

11 I dealt with the State Department Records and  
12 Historical Division for decades and knew very well G.  
13 Bernard Noble and William Franklin and his successor  
14 who ran the Historical Division. I'm sure you would  
15 agree with me they were decent, honest, honorable  
16 people, who fit your description, but did not have the  
17 law and did not have the commitment from the top, and  
18 the reality was that I have high admiration for both of  
19 these, but the fact of the matter was that things  
20 didn't get opened up.

21 I mean that was the reality, not because the  
22 people trying to make life hard for everybody. It is  
23 simply that the push of the law and the push from the  
24 top and the commitment from the top was simply not  
25 there, and under those circumstances, with good

1 intentions, honest dedication to the work, things  
2 simply did not move, and, ironically, the fact that  
3 they didn't contributed to their eventually moving  
4 because it meant that the foreign relations volumes not  
5 only were silent on critical issues, but they got an  
6 additional decade behind every decade or two, and it  
7 was the new push that really made the difference.

8 MR. KIMBALL: I -- Bill Franklin was a  
9 graduate professor of mine. So, I -- I -- he and I are  
10 old friends. We correspond, and Bill was at the point  
11 he wouldn't even ask. He wouldn't even ask for  
12 declassification, unless he was absolutely certain it  
13 would come.

14 Yeah. The law changes that. The climate  
15 changes that. The Cold War's over. But you have a  
16 law. It's not a law, but it's going to be here for  
17 another four years, courtesy of the American Electric.  
18 That's the Executive Order.

19 The Executive Order carried out with any  
20 degree of enthusiasm is extraordinarily effective, and  
21 this -- I am -- we have been in contact with Tony Lake  
22 and various people in the National Security Advisor's  
23 office about White House intentions regarding this law.  
24 All right. This Executive Order, and we are assured  
25 repeatedly in writing as well as informally that the

1 White House Executive has every intention of enforcing  
2 this Executive Order. So, in a sense, you have a --  
3 you have something that approaches a law.

4 I also wanted to read something to you, very  
5 brief. I won't read all the supporting documents.  
6 I'll read the decision.

7 This is from the Under Secretary of State for  
8 Management to the Secretary but also to everybody in  
9 the State Department.

10 "The subject Executive Order requires  
11 systematic review of 25-year old documents to permit,  
12 unless specifically exempted, automatic  
13 declassification. I have approved a managed risk  
14 approach, which means that documents in the highest  
15 sensitivity categories will receive the most scrutiny,  
16 including line-by-line review, if necessary.

17 Conversely, those in less sensitive  
18 categories will receive less detailed attention. At  
19 any time documents are reviewed for declassification,  
20 an element of risk is involved, but we believe that the  
21 risks involved in systematic review are very low.  
22 Resource and time constraints and logic make this the  
23 most sensible approach."

24 Now, cutting out all of the words, what  
25 they've just said is that on records where classified

1 material, significant national security information is  
2 unlikely to be found, they're going to bulk declassify.  
3 They're going to take a look at the records, make sure  
4 that there aren't some obvious mis-filings in there,  
5 and they're just going to declassify them, and our  
6 experience in the Department of State since 1945 has  
7 been that none of -- none of these types of  
8 declassification projects have had any effect  
9 whatsoever, any significant effect whatsoever or damage  
10 to, and I got to use the right phrases, national  
11 security.

12 The altered documents came out to great  
13 screams and cries, my God, it's the end of the world.  
14 So did the Pentagon papers. Just to take two that are  
15 obvious.

16 A number of volumes of foreign relations have  
17 come out where desk officers have come in to us and  
18 said that's it, it's going to ruin our relations with  
19 this country. It's not true.

20 The last point I would make, last, is that  
21 the people that you deal with in terms of  
22 declassification fundamentally live in the real world.  
23 They live in a world of today, and they fight fires,  
24 and they work hard, and it's a -- it's a difficult --  
25 they have difficult choices to make all the time, but

1 they're mostly, almost exclusively, choices of today.

2 The highest classified materials, the  
3 compartmentalized materials, normally are declassified  
4 in a time sequence that's very short, a couple of days  
5 sometimes. When I was a -- I spent 23 years in Naval  
6 Intelligence. So, I'm not totally ignorant of this  
7 stuff.

8 Most of the stuff I saw that had, you know,  
9 bells and whistles and three and four compartments deep  
10 and so on and so forth became declassified within a few  
11 days after it had been created. All right.

12 Now, I mention that because that's the world  
13 that our -- the reviewers -- not -- not the -- the --  
14 the reserve people who are reviewing it, but the -- the  
15 desk officers and the ambassadors, they live in a world  
16 that once it's six months old, it -- it's -- it might  
17 as well be back in Ancient Greece. Okay.

18 We've had desk officers come in and say to us  
19 during reviews, actually say to us, what this document  
20 relates to, and they start talking about current  
21 events, and we say time, 30 years old, 30 -- well,  
22 actually, most of them by now are 35 years old, by the  
23 time we get there. Okay.

24 So, I think that's a problem of education and  
25 sensitizing the people that -- that you're talking to

1 that will just take some time. We work at it all the  
2 time. We haven't succeeded.

3 DR. GOLDBERG: All right. Thank you very  
4 much.

5 MR. KIMBALL: Thanks for the time. I  
6 appreciate it.

7 DR. GOLDBERG: The only comment I will make  
8 is that we must keep in mind that there is a difference  
9 between the State Department and the Department of  
10 Defense, and it's very considerable.

11 We'll take a break now for 10 to 15 minutes.

12 (Whereupon, a recess was taken.)

13 DR. GOLDBERG: Can we reconvene now, please?  
14 Will you be seated?

15 (Pause)

16 DR. GOLDBERG: As you know, there are a  
17 number of other agencies and departments engaged in  
18 declassification. They have advisory groups and  
19 panels, also. We've heard from the chairman of one of  
20 these, Mr. Kimball, and I have now learned that we have  
21 a representative from DI -- DOE, Department of Energy,  
22 and from USIA here, and I think we can give them at  
23 least a few minutes to give us some notion of what  
24 their agencies are doing and to answer any questions  
25 that may come up.

1 Ms. O'Connell?

2 Department of Energy

3 MS. O'CONNELL: Good morning. I'm Janet  
4 O'Connell, and I'm from the Office of Declassification  
5 at the Department of Energy. I haven't prepared  
6 anything for the group. I was expecting this morning  
7 to be here, but I can speak a little bit about our  
8 program and the reason I think we've been successful.

9 We had a program in place before the  
10 Executive Order. We had support from Secretary O'Leary  
11 as part of the openness initiative and had resources to  
12 back us up.

13 Some of the other things that have been good  
14 for our program is we have a system that's heavily  
15 based on classification guides and standards that we  
16 are continuously working to update, and we also have  
17 formal training for all of our classifiers and  
18 declassifiers.

19 In terms of our Openness Advisory Panel, the  
20 first meeting was held in July. We're struggling with  
21 a lot of the same issues that you are. This is a panel  
22 of all outside historians, and Page Miller is on the  
23 group.

24 The group has chosen to break into four sub-  
25 groups, which I think has helped our panel. There's



1 one that's focusing on legal issues, looking at the  
2 Atomic Energy Act and how it affects classification and  
3 declassification; a group which is focusing on  
4 accessibility, dealing with the NARA issues that we  
5 talked about; one that's looking at productivity,  
6 declassification productivity, how we can use  
7 automation to improve our productivity; and another  
8 that's looking at priorities, and they're still  
9 struggling with developing a mechanism for how we  
10 determine priorities.

11 We have a lot of outside stakeholders  
12 meetings and soliciting input from stakeholders, but  
13 we're still struggling with what is the best means to  
14 set priorities.

15 I did want to pass on a couple other things.  
16 In terms of our program, we're focusing on both  
17 national security information and the nuclear-related  
18 information restricted data.

19 Our program has focused a lot on the risk  
20 part of it because we found, as I mentioned before in  
21 our previous group, we're different than other agencies  
22 in that this older records, that are 25-30 years old,  
23 it's harder for us to bulk declassify because in the  
24 older records, we still have nuclear weapons designs  
25 and technologies that are old, but they're still of

1 value to proliferant terrorist groups. So, we still  
2 have to do almost a page-by-page review for a lot of  
3 our things.

4 We are working better inter-agency  
5 cooperation, working with DoD and some of the other  
6 agencies. Rather than just shipping documents back and  
7 forth between agencies for review, we're trying to send  
8 reviewers to sites to do reviews, that sort of thing,  
9 and looking at electronic exchange.

10 That's pretty much it. I just wanted to pass  
11 on the main things. Our panel is also going to be  
12 meeting December 3rd and 4th downtown, and I'll leave  
13 the information with Cynthia, and they're going to --  
14 hopefully these four sub-groups will have some things  
15 to report as to what they've achieved at that point.

16 MS. KLOSS: Let's talk about the composition  
17 of your panel because it is a little bit different than  
18 --

19 MS. O'CONNELL: It is.

20 MS. KLOSS: -- a panel of pure historians.

21 MS. O'CONNELL: The -- I can probably have  
22 Page speak to that better. I think it's nine members  
23 outside, some historians, some former DOE scientists,  
24 some attorneys, all interested in and have some  
25 experience with requesting records or interested in

1 historical programs. It's not strictly historians.

2 DR. GOLDBERG: Sounds like an explosive mix.

3 DR. MILLER: I might just add a couple of  
4 things. We do have clearances. We went through that  
5 process, and most of us received our clearances last  
6 month, and I think that's important. We -- we haven't  
7 seen how this is going to play out, and how it's going  
8 to be used, but I think it's a -- it shows a commitment  
9 from the Secretary to want us to have that -- that  
10 level of involvement.

11 I am the only historian on the panel, and one  
12 of the things that I've learned from this is that  
13 historians care about older policy records, and a lot  
14 of the people around that table that are concerned  
15 about environment and safety and health, they're  
16 interested in field records that have not been  
17 classified -- that haven't been categorized as  
18 permanent records, and they're interested in  
19 information, certain levels of testing, and not  
20 documents.

21 So, I'm finding that we're frequently talking  
22 past each other on issues of information as opposed to  
23 documents and on issues of whether records have been  
24 deemed to be of historical significance are to be  
25 permanently sent to the National Archives.

1           So, those -- those are issues that come up  
2           that would not come up in your group, but I -- I -- I  
3           sense a real commitment with this group because we have  
4           these working groups, we have assignments. I mean I  
5           have a writing assignment that I've got to get into the  
6           agenda.

7           Yeah. I think it is. It's focused, but we  
8           -- the bottom line for us is are the records available  
9           in the National Archives, and -- and to this extent,  
10          actually DOE has fewer records than CIA in the National  
11          Archives.

12          So, you know, that bottom -- if that -- if  
13          that is your measurement, the measurement of what is  
14          available for researchers, DOE has a very long way to  
15          go, but the commitment to catching up seems to be  
16          there.

17          MR. SCHMIDT: Dr. Goldberg, I have a question  
18          for Dr. Miller for clarification. You said that the  
19          historians are interested in documents, and that the  
20          other people are interested in --

21          DR. GOLDBERG: Can you speak up, please?

22          MR. SCHMIDT: The information that the other  
23          people are interested in is in databases or what? In  
24          other words, is --

25          DR. MILLER: It's in field tests. In other

1 words, you want to know levels of chemicals that are in  
2 the air and those sorts of things. I mean they're  
3 interested in safety and health, and that frequently is  
4 not a headquarters policy issue, but it's a field  
5 record.

6 MR. SCHMIDT: There's still paper records,  
7 though, or are they databases?

8 DR. MILLER: Well, they're both, but I think  
9 a lot of them are paper records.

10 DR. WEINBERG: Could I ask a question? In  
11 your presentation just now, you alluded to a mechanism,  
12 and I'm not sure I quite understood, where you are  
13 dealing with the equities of other agencies in the --  
14 where other agencies have equities in records which are  
15 held by the Department of Energy, and if I understood  
16 you correctly, what you're doing is, so to speak,  
17 importing people from there or sending your people  
18 there to look at these or -- or how is this being  
19 handled? Would you --

20 MS. O'CONNELL: Yeah. I can speak to that.  
21 I wasn't speaking specifically about the DOE records,  
22 but, for example, other agency records. I know the CIA  
23 has asked us to have a reviewer go to their site --

24 DR. WEINBERG: Okay.

25 MS. O'CONNELL: -- and help them with their

1 records, and we've been open to suggestions like that.

2 We met with the State Department and actually  
3 tried to pursue the exchange of authorities which you  
4 mentioned is not a popular thing among people, and  
5 there's some risk involved, and that's why we are  
6 hesitant to give authority to people to declassify  
7 restricted data but we're willing to give other  
8 agencies authority to declassify our national security  
9 information. We'll give them our guides, and we'll  
10 train them and allow them to do that.

11 DR. WEINBERG: In the other agencies?  
12 Correct. Yeah. I'm just trying to make sure I  
13 understand what you're doing.

14 In -- in connection with something I want to  
15 suggest a little later, let me ask you this. When you  
16 do, if you will, transfer authority over your interests  
17 to the other agencies, is that in terms of blanket or  
18 is there a chronological break of any sort?

19 In other words, you may do this with our  
20 records pre a certain date or how -- if you can, would  
21 you give us a little bit more information on that?

22 MS. O'CONNELL: It would be pre-'75  
23 historical records, and again it's not going to be  
24 restricted data. They aren't going to have authority  
25 over that, but anything national security information

1       that is Department of Energy-related.

2               Now, we haven't yet done this for any agency.  
3       Our first agency that we were going to give the  
4       authority to was State Department, and we're still  
5       working up a program to train their reviewers, and then  
6       they in turn will give us authority to declassify their  
7       historical records, which we're going to pursue very  
8       carefully because we don't have expertise in foreign  
9       relations area, but if we have their guidelines, some  
10      of our reviewers can be trained to apply them, and --

11             DR. WEINBERG: And then there's a cut-off  
12      date there, and if it's later than that, they have to  
13      come back to you in effect?

14             MS. O'CONNELL: Yes.

15             DR. WEINBERG: Okay. That's what I was  
16      trying to get at.

17             DR. GOLDBERG: What about contractor records  
18      which constitute perhaps the greater part of DOE's  
19      records?

20             MS. O'CONNELL: We're not handling them any  
21      differently. They are handled through -- whether  
22      they're permanently valuable or not, you know, is  
23      determined by the records schedule and

24             DR. GOLDBERG: Do you have custody?

25             MS. O'CONNELL: Yes.

1 DR. GOLDBERG: They're not held by the  
2 contractors?

3 MS. O'CONNELL: Well, they're held at our  
4 field sites, but we have contractors that are  
5 authorized to do declassification. We do have  
6 contractors that do declassification.

7 DR. WEINBERG: Excuse me. If you would be a  
8 little more specific, is this the contractor who did  
9 whatever the work was or do you have a private contract  
10 for declassification people?

11 MS. O'CONNELL: Well, we have both.

12 DR. WEINBERG: You have both?

13 MS. O'CONNELL: Yeah. We have contractors in  
14 the field who are managing operating contractors. They  
15 pretty much run our sites, and at that site, the  
16 classified was generated, and they have knowledge over  
17 it, and they could also declassify it, but --

18 DR. WEINBERG: Okay.

19 MS. O'CONNELL: -- we also have a core of  
20 declassification reviewers in Germantown, Maryland,  
21 that do declassification across broad -- and they are a  
22 contract that --

23 DR. WEINBERG: They're a contract. They're  
24 not government employees?

25 MS. O'CONNELL: No.



1 DR. WEINBERG: The agency assigned the  
2 contract. Your business is declassification, not  
3 building something?

4 MS. O'CONNELL: Right.

5 DR. WEINBERG: Okay. Thank you.

6 DR. GOLDBERG: Yes?

7 MR. DAVID: DOE has estimated on various  
8 occasions in writing that it's whole library is 2.2  
9 million cubic feet of records, and the Manhattan  
10 project at the present day is somewhere around seven or  
11 eight billion pages.

12 Have you arrived at any ball park estimate on  
13 -- on how many classified pages might be subject to the  
14 new Executive Order? I know RD is a special community,  
15 but voluntarily have taken that position.

16 Is it 600 million? 800 million?

17 MS. O'CONNELL: I really don't want to speak  
18 to numbers because I'm not the person to do that, but I  
19 can give you percentages. Of our workload, 80 percent  
20 of what we do is the restricted data, 20 percent is  
21 this national security information under the Executive  
22 Order.

23 MR. DAVID: And these are -- these are  
24 regardless of dates? So, if you're looking at MED  
25 records still at the History Division, it's at

1 Germantown, it's that rough breakdown or records from  
2 '75?

3 MS. O'CONNELL: Yeah. It should be the same.

4 MR. KIMBALL: Some coordination kind of  
5 questions. Your comment about working with State  
6 Department, I'm pleased to hear that. That's still  
7 going along with the report.

8 I was curious. The first question would be,  
9 I'm curious that you're working to establish that kind  
10 of coordination with DoD and various agencies because  
11 so much of your RD stuff may in fact be weapons stuff  
12 as opposed to -- you know, there's a -- there's an  
13 overlap there of equities.

14 The other thing -- the other question I had,  
15 which I think is related to this, is are you willing to  
16 empower your advisory committee to take a look at the  
17 standards that are applied for labeling things RD?

18 I have this unsettlingly feeling that RD is  
19 -- is -- you know, unless it's stamped RD, you know, it  
20 kind of glows in the dark, and -- and -- and no one's  
21 allowed to look at it, and it's there, and it's  
22 permanent, and there's no exemptions, and it's --  
23 that's it. It's gone forever.

24 And our experience at State has been that  
25 classification, even original classification and

1 declassification review, which is two different steps,  
2 in both cases, the standards differ. It depends on the  
3 human being that was doing it at the time, and I'm just  
4 curious, if you're going to allow your committee to  
5 examine those standards with some random sampling.  
6 They are going to have Q clearances, right?

7 MS. O'CONNELL: Yes.

8 MR. KIMBALL: Okay. So, they can do random  
9 sampling and look at those and perhaps give you some  
10 advice on that. So, that was a two-part question.

11 MS. O'CONNELL: Oh, okay. Yeah. The first  
12 part, we are working -- well, not specifically with  
13 DoD. I would say that you've heard of this external  
14 referral working group which is an inter-agency group  
15 that is dealing with all this equity exchange between  
16 agencies, and, so, we're participating in that forum --

17 MR. KIMBALL: Right. The CAP project and all  
18 of that.

19 MS. O'CONNELL: -- and working with DoD that  
20 way.

21 I think I can ask Dick Friendly, but I don't  
22 think that has come up on the panel, giving our panel  
23 authority to -- I mean it is in the charter, the broad-  
24 ranging charter, that they're to look at any openness-  
25 related issues related to classification and

1       declassification. So, they could, and they are  
2       cleared, look at documents and examine them with random  
3       sampling like you do, but they haven't done it yet, and  
4       there's no plans to do that.

5               DR. GOLDBERG: All right. We have a  
6       representative -- thank you very much.

7               We have a representative from USIA, William  
8       Harwood, who is prepared to tell us what's happening  
9       over there.

10              United States Information Agency

11              MR. HARWOOD: Thank you very much, Dr.  
12       Goldberg.

13              Now I see what a complicated operation you  
14       have compared to ours. The U.S. Information Agency,  
15       our scale of problems is much less than what I have  
16       heard today. We have only 5,300 boxes under review  
17       right now of sorts. Quite a bit of difference.

18              MS. KLOSS: We'll swap.

19              MR. HARWOOD: Yes. I'm going to discuss two  
20       things. One is the conference we're having on December  
21       5th, and the other is how our operation is working.

22              On Thursday, December 5th, we are hosting a  
23       conference of all government agencies, including the --  
24       I don't know how many dozens of Defense Department  
25       agencies involved in declassification. We didn't know

1     how many people were involved in this until we put  
2     together the guest list. We're now over 500 people.  
3     Just amazing.

4             So, anyone who is here today is certainly  
5     welcome to come. Some of you have already received  
6     these invitations. If anyone would like them, just let  
7     me know, and they'll be right here.

8             We've got a registration form on here you can  
9     fax back to us or send it to me on e-mail. We'll be  
10    happy to have you come.

11            MS. KLOSS: Will that be open for government  
12    and industry? Will you allow contractors?

13            MR. HARWOOD: Contractors are welcome.  
14    Academics are welcome. The press is welcome. This is  
15    not classified. We just want to make sure that the  
16    people at VOA don't get nervous about who these people  
17    are at the door. So, we just want to have some way of  
18    saying yes, everybody's okay, let them in, and that's -  
19    - but it's non -- it's not classified, and we expect to  
20    get a pretty good turn-out.

21            DR. GOLDBERG: You said 500. That sounds  
22    pretty good.

23            MR. HARWOOD: We've invited 500. We'll see  
24    what happens.

25            BRIG. GENERAL ARMSTRONG: What's the meeting

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1 going to do?

2 MR. HARWOOD: We're going to -- we're going  
3 to have Governor Carlin, the Archivist of the U.S.  
4 He's going to speak. We're going to have someone there  
5 from ISOO. We're going to tell what we do, and then  
6 CIA, NSA, NRO is going to make a presentation. Navy,  
7 Air Force, and Energy are going to tell what they're  
8 doing.

9 Then the referrals group is going to have a  
10 presentation on the trials and tribulations of how to  
11 exchange all these documents we find. We have half a  
12 million State Department documents in our holding.  
13 What do we do with them? And then we're going to have  
14 the Commission on Protecting and Reducing Government  
15 Secrecy, that's the Moynihan Commission, and a  
16 presentation on the Gulf War Declassification Office.

17 What I'm going to do when I get back on  
18 Monday morning is to ask that we expand the program to  
19 include a presentation from some of you folks who are  
20 here today representing academia. I think that's very  
21 important, to say we are the consumers. These are our  
22 concerns, the same sort of concerns we've heard raised  
23 here today. I used to be an academic, and now I do  
24 this.

25 BRIG. GENERAL ARMSTRONG: Back to my

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1 question. What's the outcome you intend out of this  
2 meeting, other than just to have a lot of people talk?

3 MR. HARWOOD: Okay. One of the major  
4 problems we have found is lack of coordination on  
5 policies, on technical equipment. There are  
6 technical -- the technical abilities right now to  
7 declassify documents with redaction are incredible.  
8 What it involves is techniques of scanning classified  
9 documents, bulk scanning thousands of documents, into a  
10 database, and then having teams of declassifiers redact  
11 the documents and then make these available to the  
12 public on -- by e-mail or to a Web site.

13 This is -- this is a very ambitious project.  
14 It's -- the software is being developed right now, and  
15 we're going to be doing some of this in our office.  
16 We've only got eight people. So, it will be eight  
17 stations, so that we can handle referrals from other  
18 agencies that have our documentation.

19 It's very ambitious, and it's something that  
20 the CIA, for example, with their new operations, is  
21 going to be very deeply involved in. It's electronic  
22 declassification of documents. So, this will be a  
23 chance for all these folks to get together with the  
24 contractors who are developing the databases to see  
25 what is available.

1 DR. GOLDBERG: DoD did this in the same way.  
2 Instead of eight people, we need 800 --

3 MR. HARWOOD: Right.

4 DR. GOLDBERG: -- at least to do that job.

5 MR. HARWOOD: Yeah.

6 DR. WEINBERG: A question. If you declassify  
7 electronically, if I understand you correctly, what  
8 happens to the original piece of paper? Does it get  
9 stamped or not stamped --

10 MR. HARWOOD: Okay.

11 DR. WEINBERG: -- or does the box it's in get  
12 -- I mean what happens?

13 MR. HARWOOD: Okay. Right now, all I can  
14 speak of is what we do.

15 DR. WEINBERG: Yeah.

16 MR. HARWOOD: We're not stamping any  
17 documents. According to the Archives, stamping  
18 documents is -- is passe. They don't do that anymore.

19 DR. WEINBERG: Are you going to label the  
20 box?

21 MR. HARWOOD: The box will be labeled, and  
22 then within the box, the equities which are exempt or  
23 referred are put under tabs.

24 DR. WEINBERG: Okay.

25 MR. HARWOOD: So, then the material that is



1 available will be there. Say a folder has, you know,  
2 15 classified documents in it. There will be no  
3 markings on the document saying it's been declassified.

4 MR. KIMBALL: Gerhard, I can tell you what  
5 the -- what the project -- the broader project, the  
6 inter-agency. It's called the Remote Archives Capture  
7 Project, RAC. It's being -- there's a pilot test being  
8 done at the LBJ Library and at Eisenhower and others.

9 DR. LEFFLER: Kennedy.

10 MR. KIMBALL: Kennedy. Thank you. I knew it  
11 was two. And -- and, fundamentally, what they're going  
12 to do is scan the documents, which takes preparation,  
13 put them on a CD, a CD-ROM disk. All right. The disk  
14 then gets sent around to all the agencies who can with  
15 the keyboard censor whatever they want censored. Okay.

16 Then they -- so, the document stays right  
17 where it was. The document isn't touched. This is now  
18 an electronic image on the CD-ROM. They then send that  
19 -- two CD-ROMs, one, the original classified one, and  
20 the other is the censored one, and the censored one is  
21 then made available in one form or another, probably on  
22 electronic readers, but I mean I don't think they  
23 decided that yet, to the general public. The  
24 uncensored one remains in the files for storage. The  
25 documents remain right where they were.

1 DR. WEINBERG: But as long as the documents  
2 are there, that's critical because you can guarantee --

3 MR. KIMBALL: Documents are not --

4 DR. WEINBERG: -- in a few years, nobody will  
5 be able to read the CD-ROMs. Nobody will be able to  
6 access the electronic stuff, and that will all have  
7 vanished or evaporated --

8 MR. KIMBALL: According to what we were  
9 briefed on, the documents are scanned and put right  
10 back in the files. The integrity of the files is not  
11 disturbed.

12 DR. WEINBERG: Okay.

13 DR. WAMPLER: Somebody goes to the Johnson  
14 Library, they can find the document?

15 MR. KIMBALL: Can't answer that.

16 MR. HARWOOD: The document -- the Johnson  
17 Library. Okay. What we have discovered is our  
18 documents which went to the White House under Lyndon  
19 Johnson are -- are stored down in Texas. We have a  
20 team that went there last week. There -- they are held  
21 there. The document that went to the President didn't  
22 indicate the source of the information.

23 So, when we will be getting these documents  
24 on CD-ROMs, we will read through and identify our  
25 equities and declassify.

1 DR. WAMPLER: What I mean is once you finish  
2 the process, and you get the CD-ROM with all the  
3 redactions or the censorships, as Warren prefers, will  
4 they then go back and mark the documents in the files  
5 at the Library? If somebody goes to the Library, they  
6 can --

7 MR. KIMBALL: Oh, yeah. I see what you're  
8 getting at. My understanding is yes.

9 DR. WAMPLER: Okay.

10 MR. KIMBALL: My understanding is that, yes,  
11 they will -- they will make a notation on the document  
12 that it's been -- if it's declassified in full, but if  
13 it's not declassified in full and is just censored, no,  
14 they will not censor the original document.

15 That's one of the reasons the current  
16 archival practice throughout the National Archives  
17 system is that they will not censor documents. That is  
18 to say, they won't cut them out. They won't black them  
19 out.

20 See, it's not as easy as you thought. You  
21 can't black them out anymore because current electronic  
22 readers can read right through anything you use to  
23 black out.

24 The only way -- the only way in which that  
25 any of the intelligence agencies will allow you to

1        censor pieces of a document is to physically cut those  
2        pieces out, physically. All right. Then they xerox  
3        what's been -- I'm telling you. They xerox what's --  
4        or -- or they have to do a xerox in which they cover it  
5        up with special paper. Those are the two ways. All  
6        right?

7                DR. WAMPLER: Okay.

8                MR. KIMBALL: They're not going to do that.

9                DR. WAMPLER: They're not?

10               MR. KIMBALL: You're going to have -- no.

11        Unless the document is declassified in toto. The  
12        reason there is simply cost effectiveness. I mean to  
13        go back and -- why bother to do it electronically if  
14        you're going to do it on the document?

15               MS. KLOSS: Dr. Goldberg?

16               DR. WAMPLER: They're going to have a CD-ROM  
17        reader with a printer, if you want it at the Library.

18               MR. KIMBALL: You have to use a CD-ROM.

19               MS. KLOSS: Ray Schmidt has been very active  
20        in this whole process. Would you clarify a couple of  
21        points for us, Ray?

22               First off, the concept of sending the  
23        documents around electronically for in-place at-desk  
24        kind of redaction ended up to be a paperwork process.  
25        So, that's the first clarification. Hit it.

1 I've had three or four clarifications.  
2 Marking of the original documents was another  
3 clarification. They stayed pure at the presidential  
4 libraries.

5 Third is the presidential libraries were only  
6 talking a sampling. We are not talking --

7 MR. SCHMIDT: So far.

8 MS. KLOSS: -- at this juncture the whole  
9 presidential library. Just a very narrow one. There  
10 was another one, Ray.

11 MR. SCHMIDT: When -- when they send the  
12 material around, the plan is not to send every document  
13 to everybody, but to do an indexing. I -- I think they  
14 will send the Air Force only the Air Force documents.

15 Now, if the Air Force has CIA equities in  
16 those documents, it's up to the Air Force to contact  
17 the CIA and on like that. So, it's -- it's not a  
18 simple -- a simple-minded process, but at this point,  
19 we have not been able to get everybody up and running  
20 with automation so that we can read the CDs. So, we're  
21 doing this as a paperwork exercise.

22 But, remember, this is the first time that  
23 anybody has ever done this, but it's the most cost  
24 effective approach anybody has come up with to this  
25 point.

1 MR. KIMBALL: Once they get to the electronic  
2 reading.

3 MR. HARWOOD: Yeah. And it does work, and I  
4 think I told you last time that we had 225 documents  
5 that we reviewed in the Navy out of the Vietnam  
6 collection from the LBJ Library, and all of them were  
7 released in toto. No -- nothing was held back in those  
8 225 documents.

9 DR. GOLDBERG: Page Miller?

10 DR. MILLER: I would just point out that this  
11 pilot project is a sample of -- of -- I think it's  
12 seven million records, and compared to the classified  
13 records of DOE or DoD or -- or CIA, that is just a tiny  
14 drop in the bucket, and there are a lot of us that,  
15 while we have a lot of respect for what new technology  
16 can do, preparing these documents that are all  
17 different sizes and not necessarily narrative, not  
18 necessarily all text, to go through a scanner and all  
19 of that is not as simple as it may appear, and we're  
20 not as convinced that this scanning is going to be  
21 the -- the -- the great panacea.

22 I think it's going to turn out to be very  
23 expensive, and -- and CIA has been working on it for  
24 well over a year and has come up with no software that  
25 they're satisfied with.

1 DR. GOLDBERG: I think you're quite correct.  
2 From the limited experience I've had with this, another  
3 problem with scanning is that a lot of the copies do  
4 not come out well. You can't read them right, which  
5 means they have to be rekeyed, and that's a very  
6 expensive and long-time process, and there are quite a  
7 few of these. I mean they don't always have good type.  
8 They're not always clear.

9 DR. MILLER: I mean you're talking old  
10 records of different sizes.

11 MR. KIMBALL: But this is not supposed to be  
12 done. Page and I disagree a little bit but not  
13 fundamentally on this. I think it's useful so long as  
14 you -- you -- you -- you have some parameters.

15 DR. MILLER: A target, a pilot, a small  
16 pilot.

17 MR. KIMBALL: Well, more than that. One of  
18 the parameters is you need a high proportion of  
19 sensitive material to make it worth while. This should  
20 not be a substitute for what's stated in that thing I  
21 read to you, risk management-type of declassification.

22 This should not be a substitute or you'll go  
23 bankrupt trying to do it, but when you get -- take  
24 National Security Council files, in which almost every  
25 sentence is classified. All right. There -- and --

1 and multiple agencies -- multiple agency equities.  
2 Okay. That's when the -- the recapture project, I  
3 think, becomes very cost effective.

4 DR. WAMPLER: Doesn't State also have a  
5 process where they were already automatically capturing  
6 all the cable traffic electronically going back quite  
7 some ways? They've got this stuff there to work with.

8 DR. MILLER: Yes.

9 MR. KIMBALL: It depends. There is a section  
10 of records that's that way, but those -- the -- the  
11 word is incompatible. Okay?

12 DR. WAMPLER: Okay.

13 DR. GOLDBERG: Any more questions? Yes?

14 BRIG. GENERAL ARMSTRONG: On the issue of --  
15 of placing records in an electronic facility, the Army  
16 out of Fort Leavenworth has been doing this with  
17 classified records for about two years now. It's, I  
18 think, as has been pointed out, an expensive and slow  
19 process for paper documents.

20 You can, with -- they have actually turned it  
21 into an industrial process, which the Navy Printing  
22 Office interestingly is running. That's how  
23 bureaucracy and government works. But they can enhance  
24 things. Electronically, the -- there is a process  
25 where they can not only enhance print, they can enhance

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1     handwriting, and, of course, this is quite important  
2     for operational records.

3             As I said, they're doing this mainly for  
4     classified records at this point, and the interesting  
5     thing that has come out of this is that while it is  
6     quite expensive and laborious to do it for paper  
7     records, increasingly the Army, like other agencies, is  
8     going even in the field to electronic records, and  
9     electronic records are much, much easier to put into  
10    this sort of a database.

11            So, what you have is sort of a confluence of  
12    technologies at this point which doesn't solve the  
13    current problem of dealing with past records but  
14    promises in the future to make dealing with currently-  
15    generated records easier.

16            However, the -- the point that -- that  
17    Professor Weinberg brought up about the fact that 30  
18    years from now, all of the systems, both the hardware  
19    and software, may no longer exist unless we're very  
20    careful, is an extremely valid one. It's one which the  
21    Archives themselves are wrestling with, and which I  
22    don't believe anybody has come up with a solution, and  
23    there -- there are concerns about things like CD-ROM,  
24    what's the shelf life and so forth and so on.

25            So, a lot -- a lot is being done in this

1 field. Unfortunately, to my knowledge, there is no  
2 central government agency that actually exchanges on a  
3 routine basis this kind of information, and it's  
4 something I'm personally interested in because it's a  
5 way to get current operational records into an  
6 accessible database quickly.

7 DR. GOLDBERG: And the problem of  
8 deterioration of these records already exists, of  
9 course, as we know. It's not that they've  
10 deteriorated; it's that they no longer can be accessed  
11 because the readers aren't there.

12 This is a problem that's going to go on, and  
13 it's a problem with all the electronic data, including  
14 microfilm which is going to go one day, too.

15 MS. KLOSS: Dr. Goldberg, --

16 DR. GOLDBERG: Yes?

17 MS. KLOSS: -- I believe that Mr. Harwood  
18 also wanted to just briefly describe --

19 DR. GOLDBERG: Oh.

20 MS. KLOSS: -- his -- the organizational  
21 approach to declassifying within USIA.

22 MR. HARWOOD: Just very briefly. When we  
23 first started, we discovered a lot about ourselves  
24 since we did this. We started back in 1942 as the  
25 Office of War Information, and we were split off from

1 the OSS. They did their business, we did our business,  
2 but we thought -- and then what happened was this gray  
3 area in between, and that's where our difficulties come  
4 in with declassification.

5 Especially during the Vietnam War, we were  
6 engaged in a lot of intelligence operations. It's all  
7 still classified, and that's going to be a major  
8 headache for us in determining what to do about this.

9 We also discovered that Senator Fulbright had  
10 quite a bit of classified material in the documents  
11 that were down at the Fulbright office, and we've been  
12 down and declassified most of them. So, we're finding  
13 our equities all over the country.

14 Even though we're a very small agency, we've  
15 found that all the presidential libraries, we  
16 discovered them in -- in Bayonne, New Jersey, in  
17 Springfield, Massachusetts, you know. We've -- we've  
18 got stuff all over.

19 We are also developing a database and a Web  
20 site to provide a folder-by-folder description of our  
21 holdings. Because we're a small enough agency, we're  
22 doing this to see are the scholars interested in  
23 knowing, for example, Edward R. Murrow Vietnam Policy?

24 So, a -- a scholar would be able to go to  
25 Archives II and say I want the following boxes because

1 I know they contain Mr. Murrow's positions on Vietnam,  
2 for example, and what -- we will have this all worked  
3 out in a database where someone can just call up our  
4 Web site and type in Murrow, and they'll get a full  
5 description of all of our holdings, classified,  
6 classified holdings on Mr. Murrow.

7 The unclassified holdings will be available  
8 to the general public, but we will have specific  
9 descriptions of the classified holdings, like Carl  
10 Rowan's trip to Vietnam in 1964, for example. That was  
11 a very interesting holding, and, so was this hate mail.  
12 It's incredible stuff he has.

13 So, those of you who -- who would like  
14 invitations, please pick one up.

15 DR. GOLDBERG: This briefing on USIA confirms  
16 my sense that small is beautiful.

17 Yes, Ray?

18 MR. SCHMIDT: I would like to ask the  
19 gentleman from USIA a question.

20 DR. GOLDBERG: We can't hear you.

21 MR. SCHMIDT: About the 5,300 boxes.

22 MR. HARWOOD: Right.

23 MR. SCHMIDT: I understand that these are not  
24 accessioned into the National Archives as yet?

25 MR. HARWOOD: No. These are still at

1 Suitland.

2 MR. SCHMIDT: Do you have a records room at  
3 the National Archives?

4 MR. HARWOOD: Yeah. We're at 306.

5 MR. SCHMIDT: Would you then, after you're  
6 finished, put the records in the National Archives?

7 MR. HARWOOD: Okay. Our records go back to  
8 Suitland. After we have completed declassification and  
9 quality control of the boxes, they're all going back to  
10 Suitland for storage until they're accessioned out of  
11 Archives II.

12 MR. SCHMIDT: Thank you.

13 MR. HARWOOD: And then they'll still have to  
14 go through Privacy and FOIA.

15 MR. SCHMIDT: Thank you.

16 MR. HARWOOD: But at least the basic work  
17 will be done.

18 DR. GOLDBERG: Thank you very much. This has  
19 been enlightening. Good to know that some agencies are  
20 making good progress.

21 Open Panel Discussion

22 DR. GOLDBERG: Gerhard, you wanted to bring  
23 something up, which I think we ought to discuss here,  
24 and I think it's a positive suggestion.

25 DR. WEINBERG: Well, at our third meeting, we

1 had recommended that there be a central mechanism for  
2 handling referrals on behalf of all DoD components, and  
3 that's along the lines that we had recommended before,  
4 and we have gotten, it seems to me, a general rejection  
5 of that concept.

6 I'm interested that in the pilot project  
7 reports that we have, let me read you the figures, in  
8 the Navy Department project, the other agencies'  
9 equities, according to this report, were 66 percent.

10 The -- and this is from the 1950s, if I  
11 understood what was said earlier.

12 In the OSD records from the 1950s and early  
13 '60s, the other agencies' equities were 66 percent.  
14 Okay? That obviously means that the proportion of  
15 records that -- that are being -- have to be shuffled  
16 around by one way or another is very, very high, and on  
17 our suggestion that there be some kind of delegation of  
18 authority, the answer is clearly no. All right?

19 Now, let me suggest that we think about  
20 recommending to the Secretary of Defense something that  
21 might be a little bit acceptable, even though it, too,  
22 would almost certainly have to be imposed by the  
23 Secretary, and that is a central referral where  
24 equities before a certain date, let's take 1965 or  
25 1970, are in effect delegated, so that the -- the parts

1 of the Department of Defense would know that if the  
2 documents were dated -- were files from the 1970s or  
3 the 1980s, they would come back in a sense. They would  
4 retain, if you will, the authority, but a central  
5 referral would have authority over the equities of  
6 other agencies within the Department of Defense up to  
7 -- perhaps we should take a cut-off date 1965 or 1970,  
8 because the records that they're most concerned about,  
9 by definition almost, are the ones that under the  
10 Executive Order are going to be clumped open which  
11 means the ones before 1975. 25-year records from the  
12 year 2000, my mathematics tells me that.

13 Now, it may be that again, as I said, this  
14 would have to be imposed, but there might be less  
15 screeching from the components of DoD. If it did not  
16 go right through the whole period, but it had a  
17 chronological cut-off, 1965 might be a reasonable one,  
18 where the agencies then -- in other words, would know  
19 that they retained on-the-spot control for anything  
20 later than that, and that was being centrally done  
21 instead of referred around, were the things that were  
22 1965 or earlier.

23 I'm not going to argue endlessly about the  
24 specific date, but I just suggest that perhaps we could  
25 get a little further if we recommended something along

1     those lines.

2                 BRIG. GENERAL ARMSTRONG: I think what you  
3     propose runs into one obvious problem, and that is  
4     resources. There have to be people to do this. That's  
5     the issue that -- as you know, every time we come to  
6     something like this, it comes to resources.

7                 DR. WEINBERG: Well, let me answer that, if I  
8     may. It does not take more people to look at the  
9     record in one place than in another. In fact, it takes  
10    less resources to handle the referral from three  
11    agencies that have equities in the same document, to  
12    have it done by one person than to have it shuffled  
13    around and worked on in each of three, and it seems to  
14    me, quite frankly, and I come back to Professor  
15    Kimball's earlier presentation, that the critical issue  
16    here is commitment from the top, and as I indicated, in  
17    the State Department, as I know from personal  
18    experience, things changed when the Secretary -- a  
19    series of Secretaries of State and their key underlings  
20    -- I don't mean that in any pejorative way.

21                I mean the key people directly under them  
22    said we're going to get this done, and if the Secretary  
23    of Defense is serious about complying with the  
24    Executive Order within the department, then it is in  
25    fact a more intelligent and efficient use of resources



1 to have the multiple equities handled by one group of  
2 people than by a separate group of people in every  
3 single segment of the office; that is to say, under the  
4 jurisdiction of the office, far from taking more  
5 resources, it takes less.

6 BRIG. GENERAL ARMSTRONG: I'm not going -- I  
7 won't argue with that, and I think you're exactly right  
8 to get this done, it's going to have to be directed by  
9 the Secretary of Defense.

10 DR. WEINBERG: Well, yes. Oh, no, no. I --  
11 I thought that I made that clear. My point was that I  
12 thought, Number 1, the Secretary was perhaps more  
13 likely to do it, and there would be decibel level of  
14 the screaming in the segments would be slightly lower  
15 if, instead of being as we originally asked, a general  
16 transfer of authority, if you will, that we made it  
17 clear or we recommended to the Secretary that there be  
18 a -- a chronologic cut-off before which the documents,  
19 the Archives, before which the authority would be  
20 transferred to the central declassification group with  
21 the eight parts of the Department of Defense knowing  
22 and the Secretary, of course, knowing that for records  
23 of the late '60s, '70s and so on, the referral back to  
24 the different agencies that have equities in them would  
25 continue.

1                   This was the point that I was trying to make,  
2                   that maybe we'd get a little further this way.

3                   DR. GOLDBERG: And if the resources have to  
4                   come from the agencies, would they still scream if that  
5                   were the case? We're talking about a very large volume  
6                   of documents. Referrals are -- you -- you yourself  
7                   pointed out 66 percent and 60 percent.

8                   DR. WEINBERG: But -- but the people in the  
9                   agencies are going to have to look at these records  
10                  anyway. This is the point. It isn't as if what we're  
11                  doing is looking at the same records a smaller number  
12                  of times.

13                  DR. GOLDBERG: They're not as concerned about  
14                  declassifying somebody else's records as they are about  
15                  their own.

16                  DR. WEINBERG: Yeah. But --

17                  DR. GOLDBERG: That's why they're willing to  
18                  send them out and refer them, and if it takes a year or  
19                  two or 10, that's perfectly all right with them.

20                  MS. KLOSS: Dr. Goldberg, I think the issue  
21                  is tied in most cases just to having the expertise.  
22                  Within the Department of Defense, we have over 1,200  
23                  classifiers. Those individuals make original  
24                  decisions. 1,200. That's a heck of a lot of  
25                  expertise.

1                   We've got over 2,000 guides out there telling  
2           us what to classify. So, conversely, that would tell  
3           us, also, the type of information that no longer needs  
4           classification.

5                   Now, you find a cell of individuals that can  
6           bring the expertise of all of those 1,200 stakeholders,  
7           those offices, agencies, principals, that generate the  
8           bulk of our declassification, and that's a very  
9           formidable group. It has to be a fairly senior level.

10                   We're not deeming anything by having the  
11           central office ship papers from one office to another.  
12           We gain something only if we can take the best judgment  
13           of the classification officials and tie it to  
14           declassification.

15                   The thought of bringing them into a central  
16           functional office and degrading their current work  
17           because the same expertise that is classifying  
18           information is going to be declassifying the same kind  
19           of information, that's unmanageable. We tried it.

20                   That's the second issue. We did in fact  
21           propose centralizing declassification under an  
22           executive agent. Same end result. You would have a  
23           clearinghouse. You would have one agency overall  
24           responsible for managing the flow of information. That  
25           was the least popular option from the resource

1 perspective when we submitted it this last year for  
2 funding.

3 DR. WEINBERG: Well, my point here is that  
4 having had this -- and -- and I'm not disagreeing with  
5 you. It's that I'm suggesting that we look at this  
6 again. I guess this is my historic training, is that  
7 we look at this in terms of chronology. The risks, it  
8 does seem to me, are likely to be lower in the 1950s,  
9 and the people involved may be less scared, and the  
10 risk management issue, which was raised earlier, is  
11 more appropriate for records from the '50s and the  
12 early '60s.

13 As I said last time, the place you hide a  
14 tree is in a very large forest, and one simply has to  
15 get used to the fact that if any of the targets are  
16 going to be met, you know, if we're ever going to get  
17 through these enormous piles, then there is going to  
18 have to be a willingness to assume that in a 30-million  
19 page record group from the 1950s, there may be left  
20 eventually a couple of pages, and it will be 50 years  
21 before anybody finds them, and under those  
22 circumstances, if this project is ever going to be  
23 completed, you know, not just in this century but by --  
24 in the next century, then there's going to have to be  
25 some attention to the practicalities, and I'm sorry if

1 I seem to be disagreeing with you.

2 I'm suggesting that the practicalities  
3 suggest that especially for the earlier part of this,  
4 there's some people who are going to have to take some  
5 minimal risks, and they're going to have to do some  
6 things in bulk, and they're not going to be able to do  
7 them with every agency and every declassifier and every  
8 section going over them line-by-line-by-line because  
9 it's not going to be done in the next millennium.

10 There are too many pages. You sent us the  
11 numbers, and I looked at them, and they're staggering.  
12 That's all I'm saying.

13 DR. GOLDBERG: Sheldon?

14 MR. GOLDBERG: Well, if -- I don't want to  
15 comment on the practicality of central location, but if  
16 you set up a date earlier, and you created a two-tiered  
17 system where the stuff from '65 would be done one way  
18 and the stuff between '65 and '75 would have to be done  
19 on a different referral system, that would probably --  
20 I think would be the worst possible approach.

21 It should either be all one way or all the  
22 other way.

23 MR. WAGNER: I'm sorry. I don't understand  
24 why you say that.

25 MR. GOLDBERG: Well, if you put -- if you're

1 going to send everything to a central -- through '65 to  
2 a central referral operation that's operating one way  
3 with the declassifiers pulling it out of the staff in  
4 there, but then if you're -- you're going to have to  
5 send the stuff from 1965 to '75 around the horn in the  
6 referral process, you've got two different systems  
7 operating, and -- and that would kill -- that would bog  
8 down the thing completely.

9 MR. WAGNER: I'm sorry. I suppose that you  
10 simply had the authority. Anything before 1965, you  
11 possess it, you declassify it without referral.

12 MR. GOLDBERG: Well, that -- you would have  
13 to have people with --

14 MR. WAGNER: Maybe it's 1935. At some  
15 point --

16 MR. GOLDBERG: All I'm saying is that having  
17 a dual system would be less effective than going just  
18 one way or the other.

19 DR. WEINBERG: We're going one way now, and  
20 we're not getting there, and I'm suggesting that rather  
21 than abandon the possibility of our recommendation of a  
22 central referral, we try to make central authority and  
23 central referral workable in terms of protecting the  
24 interests of the agencies to which something has to be  
25 referred.

1           The fact of the matter, sir, is that we have  
2           that system now. The Archives of the United States has  
3           authority to declassify things from the 1940s. We are  
4           now operating, whether you realize it or not, with  
5           several systems.

6           All I am saying is that we need to look a  
7           little further down the track as to what we're going to  
8           do with this literally billions of pages of classified  
9           stuff, and since we have worked more or less  
10          successfully with several systems since 1945 or,  
11          rather, since the Eisenhower Executive Order of the  
12          early '50s, I don't quite understand why it is  
13          inherently impossible, inherently impossible and makes  
14          things more difficult to set some other time limit in  
15          there.

16          We're working with an earlier time limit  
17          where the Archivist of the United States has authority  
18          now and has been using it and lots of us have in fact  
19          been there and used records which the National Archives  
20          has already had the authority.

21          So, I -- I'm sorry. It -- it just doesn't  
22          fit the experience.

23          MS. KLOSS: Could I respond to a couple of  
24          points? First off, I take no offense at you  
25          disagreeing with me. I have 18 components that

1 disagree with me daily. So -- and one more is  
2 certainly -- and especially someone from outside the  
3 system is rather a welcome change.

4 On the referral process, one flaw with  
5 delegation of declassification authority is you will  
6 find the end result is the most conservative  
7 declassification decision possible out of necessity.

8 I do a lot of reviewing nowadays. When in  
9 doubt, I'm going to save it because as Dr. Dudley so  
10 eloquently said in a previous meeting, it is the  
11 declassifier that is being held responsible.

12 If I know the information intimately, I've  
13 worked the program, I can actually manage the risk of  
14 the declassification decision, as Navy can do with the  
15 Navy systems, as Air Force can do with the Air Force  
16 systems.

17 When I delegate the authority, I will  
18 minimize the amount of information i can get to the  
19 public. That's Issue 1.

20 Issue 2 is strictly a matter of confidence.  
21 You are looking at a workforce, with the exception of  
22 Air Force and WHS and the Department of Defense. This  
23 workforce has just been stood up within the last 12  
24 months. We are very new in the game.

25 Now, maybe over time, you will find the



1 confidence-building factor, where Air Force and Navy  
2 easily can say, okay, you have what? Declassify it.  
3 We understand what you are saying. They bridge the  
4 terminology problem.

5 We're not there yet. We are still in a  
6 build-up training mode, and I don't discount in the  
7 future you may see much more reliance on reciprocity  
8 agreements as we have in many cases for protection  
9 issues. You may see that in declassification.

10 DR. LEFFLER: What are you doing to foster  
11 that? What are you doing to promote that type of  
12 coordination and exchange?

13 MS. KLOSS: The DoD staff is staying out of  
14 it. We're finding that the military departments and  
15 the principal agencies with declassification programs,  
16 not all of the agencies have this vast volume of  
17 information, they are working through various referral  
18 forums and networks to exchange the information needed  
19 to do the declassification reviews.

20 Probably the best thing that has occurred is  
21 the de-politicizing of the Intel community's referral  
22 network, their referral working group.

23 DR. LEFFLER: I don't understand how you can  
24 say that progress seems to be made when in, for  
25 example, this group here, 60 percent and 66 percent,

1     they can't even begin to deal with the majority of the  
2     paper because there's no mechanism, and you're  
3     telling -- what I hear you saying, Cynthia, maybe I --  
4     maybe I did not hear correctly, but what I hear you  
5     saying is that DoD or OSD is not making any effort to  
6     see to it that the majority of papers are reviewed in a  
7     coordinated way or that reviewers can coordinate a  
8     review of the majority of the papers.

9             DR. GOLDBERG: There is a mechanism. It's  
10     just not a very good one.

11            DR. LEFFLER: Well, what is that?

12            DR. GOLDBERG: They refer them to the  
13     originating agencies, to these 60 percent or 66 percent  
14     --

15            DR. LEFFLER: What does refer precisely mean?

16            DR. GOLDBERG: It means that you send a copy  
17     to the other agency and say can this be declassified,  
18     and they say yes or no.

19            DR. LEFFLER: So, when they've reviewed these  
20     pages here, for example, 60 percent of the pages in the  
21     Navy -- that the Navy went through were copied and then  
22     sent out to all the other agencies, and now the Navy is  
23     waiting for the feedback from all the other component  
24     parts?

25            MR. SCHMIDT: I just want to get an --

1 DR. GOLDBERG: You want to speak to that,  
2 Ray?

3 MR. SCHMIDT: I would just like to say that  
4 that kind of project is useful for almost nothing.  
5 Okay. Because we wouldn't have gone after that record  
6 group and those materials. So, we can set that aside.

7 I want to respond to Dr. --

8 DR. GOLDBERG: Why wouldn't you have gone  
9 after it?

10 MR. SCHMIDT: Well, because we have other  
11 priorities --

12 DR. GOLDBERG: Okay.

13 MR. SCHMIDT: -- that the National Archives  
14 has established for us and the presidential libraries  
15 have established for us, and that --

16 DR. LEFFLER: So, -- so, I understand -- let  
17 me just --

18 MR. SCHMIDT: If I may, --

19 DR. LEFFLER: Let me just --

20 MR. SCHMIDT: -- where we have people who are  
21 trained and qualified to review the material under  
22 discussion, we broke people away from the Office of  
23 Naval Intelligence to look at that. They are not  
24 trained in most of the equities that you saw in that  
25 piece of paper.

1 DR. LEFFLER: So, what -- what did you  
2 actually do with the piece of paper that had, let's  
3 say, an Air Force or -- or -- or an OSD equity? Did  
4 you copy it and send it to OSD or the Air Force or the  
5 Army?

6 MR. SCHMIDT: In the time limit we had for  
7 this pilot project, we went through -- we had people go  
8 through the boxes. That's all.

9 DR. LEFFLER: Okay. So, it's still sitting  
10 there?

11 MR. SCHMIDT: Absolutely.

12 DR. LEFFLER: And, so, there's no -- so,  
13 that's my point. There's no mechanism then for this  
14 material.

15 DR. GOLDBERG: Well, there are referrals that  
16 are made.

17 DR. LEFFLER: Oh, then please --

18 MS. KLOSS: For the other -- for the other  
19 component, the copies were either provided to the  
20 agency or office affected, or they were notified to  
21 review the documents in that particular box.

22 MR. KIMBALL: What happens if they don't?

23 MS. KLOSS: We're really bound to --

24 MR. KIMBALL: The answer is nothing.

25 MS. KLOSS: We're bound to respect that

1 agency's equity. The second point on the --

2 DR. LEFFLER: Cynthia, let me just -- I just  
3 want to understand what you're saying. I'm not  
4 disagreeing with you.

5 So, in other words, let's say for the 60  
6 percent in some instances, not apparently in the Navy,  
7 in the OSD, you -- you wrote a letter, let's say, to  
8 the Army and said we have certain numbers of equities  
9 in our boxes here. We would like you to know about  
10 that. Some day, come over and take a look, or what  
11 precisely did you --

12 MS. KLOSS: The declassification team  
13 physically sent the material out with a suspense date  
14 to review the information and make a determination.

15 The 60 percent was not that surprising to me  
16 given that almost 100 percent of the documents were  
17 high policy. So, you're taking the cream of the crop  
18 documents that has -- that comprises a multitude of  
19 different inputs from various agencies. 60 percent  
20 referral should have been an expected outcome.

21 DR. LEFFLER: I'm not surprised, but --

22 MS. KLOSS: No. Maybe you could see --

23 DR. LEFFLER: -- much of the materials that  
24 this committee has said that we're interested in, and  
25 since these are the materials that we're interested in,

1 we want to find an effective way to deal with these  
2 materials.

3 We're not interested in finding a way to deal  
4 with the materials that no one's interested in.  
5 We're -- we want to find the means to deal with those  
6 that are really of significant importance.

7 So, what type of response will you get back  
8 or what are your cut-off dates for these 60 percent?  
9 Have you heard back? How much time did you give the  
10 various --

11 MS. KLOSS: Again, I did not. I am not doing  
12 the OSD records.

13 DR. GOLDBERG: That was a Navy  
14 responsibility.

15 DR. LEFFLER: Well, the Navy hasn't --

16 MS. KLOSS: No, no, no.

17 DR. LEFFLER: They've not said --

18 MS. KLOSS: That was WHS was the other  
19 component.

20 DR. LEFFLER: What's WHS? What's that?

21 MS. KLOSS: Washington Headquarters Service.  
22 They're the ones that do the declassification.

23 DR. GOLDBERG: That's OSD.

24 DR. LEFFLER: That's OSD?

25 MS. KLOSS: Right.

1 DR. LEFFLER: Okay. So, what I hear -- what  
2 I heard you say, OSD did actually copy the 66 percent  
3 of the --

4 MS. KLOSS: I received my packet of goodies  
5 on my desk one day saying Kloss, review.

6 DR. LEFFLER: Okay. So, -- and -- and -- and  
7 inferentially then, some of those materials went to the  
8 Army, some went to the Navy, some went to the State  
9 Department --

10 MS. KLOSS: To the Navy?

11 MR. SCHMIDT: Just got a referral slip.

12 MS. KLOSS: Okay. Army?

13 MR. SCHMIDT: We didn't get our own package.

14 MS. KLOSS: Army, did you get any referrals  
15 as a result of pilot project?

16 MS. BRAGG: No, not to my knowledge, and I  
17 would like to address the point of what -- because I  
18 think it's an excellent point. What does the referral  
19 actually mean?

20 In the past, before this Executive Order was  
21 signed, it meant just what you heard. You xerox the  
22 document, you mail it to the agency, you ask them to  
23 take a look on it, and you check the suspense on it.

24 But because there are so many hundreds of  
25 millions of pages, that methodology really can't be

1 applied by the larger agencies anymore.

2 In future, what we envision to be the  
3 referral process will be a notification that the  
4 information that is of the equity of, say, the  
5 Department of Energy is in Army record group such and  
6 such in box whatever, located at the Archives or the  
7 Records Center or wherever it is, and then it will be  
8 up to that agency to go and review that material.

9 Now, the question was, well, what if they  
10 don't? Then the Executive Order tells us what if they  
11 don't. It's at their peril if they don't review it  
12 prior to 17 April, the year 2000.

13 MR. KIMBALL: Have you got that in writing?

14 MS. BRAGG: Yes, it's in the Executive Order.

15 MR. KIMBALL: No, no, I don't mean the  
16 Executive Order. I mean your internal policy that  
17 says, you know, you're notified, you're -- it's at your  
18 peril. Have you got a policy statement written in your  
19 department?

20 MS. BRAGG: We don't need it.

21 MR. KIMBALL: Okay. All right.

22 MS. BRAGG: The Executive Order --

23 MR. KIMBALL: I need something to wave in  
24 front of some people.

25 MS. BRAGG: It's automatic declassification.



1 MR. KIMBALL: I understand.

2 MS. BRAGG: The word automatic.

3 DR. GOLDBERG: Some of them are going to  
4 waive until the year 2000.

5 MS. BRAGG: The other point I'd like to make  
6 is we support what Cynthia said because she made some  
7 excellent points in terms of the central referral  
8 office.

9 The issue is not is the Army, Navy, Air  
10 Force, so jealous of its own information, that we  
11 refuse to give authority to our sister services to  
12 declassify the information.

13 We worked this out amongst ourselves. We're  
14 more than happy to cooperate. That's not the problem.  
15 The problem is in the area of expertise, just like it  
16 is with the Archives personnel.

17 The Army personnel cannot review information  
18 on the nuclear submarine matters. Why? Because we  
19 don't have the expertise. It's not because the Navy  
20 won't give us the classification guide that tells us  
21 what is classified and what is declassified about those  
22 matters. It's because our people, we're going to  
23 struggle enough with the over 400 classification guides  
24 that we have on -- from the alpha to the omega of what  
25 the Army deals with.

1           We really can't try to educate ourselves on  
2   Navy issues and Air Force issues and BIA issues and  
3   everybody else's issues. It's going to be tough enough  
4   for a large agency to do their own.

5           in terms of the resources, if -- let's say we  
6   did have a central referral office. The reality of the  
7   situation is each of the services and defense agencies  
8   would have to pony up the people to man that office.

9           So, for us, we would look at it in terms of,  
10   okay, if -- if they say to us, you will give us 20  
11   people to man this office, why don't we just have the  
12   20 people review our own records at the Archives rather  
13   than trying to look at Navy and Air Force and Army  
14   information in the central office?

15           DR. WAMPLER: But you have to deal with  
16   referrals anyway, and those people are going to be  
17   tasked for that.

18           MS. BRAGG: But what would we save by that?

19           DR. WAMPLER: You -- you have to divide your  
20   staff up in some way anyway. Somebody dealing with  
21   your own materials, somebody dealing with the  
22   referrals. If you have somebody to deal with the  
23   referrals, that's not taking away.

24           MS. BRAGG: But what advantage does that  
25   have?

1 DR. WAMPLER: But you have a suspense date  
2 you're going to assign them anyway, aren't you?

3 MS. BRAGG: See, we'll have to -- if -- it's  
4 not that the --

5 DR. WAMPLER: Can you plan better if you were  
6 there?

7 MS. BRAGG: We have to go to the Archives and  
8 --

9 DR. WAMPLER: Yeah.

10 DR. WEINBERG: May I ask, do you actually  
11 then send people or do you have a priority where, when  
12 you get the notification, you say, well, in that group,  
13 we're not going to worry, but this group is critical,  
14 and we'll send somebody over? Do you see what I'm  
15 driving at?

16 MS. BRAGG: That's a very good point, and I  
17 would answer it in two ways. One, we haven't gotten to  
18 that stage yet, but, Number 2, it would depend on the  
19 detail of the information that we get in the referral  
20 notice.

21 If it's just we've got some Army stuff in Box  
22 XYZ, who knows, but if we're told we've got some Army  
23 stuff, and it's on the design of the nuclear weapons in  
24 Box XYZ, then we can make a better prioritization. So,  
25 we're kind of at the mercy of whatever is in the

1 referral.

2 DR. WEINBERG: Well, the reason I raise that  
3 question, it again comes back to my concern about  
4 chronology.

5 At some point, the Army is going to have to  
6 set some priorities because you can't have all your  
7 people sent over to the Archives, right? You're going  
8 to have to decide which ones of these notices raise a  
9 flag, we better look at this, and which ones you  
10 decide, well, we just have to take a chance.

11 It's the risk management issue again, it  
12 seems to me, and isn't it very likely as a practical  
13 matter that at that point, chronology is going to play  
14 some role? You're going to get more excited about  
15 stuff from the '70s than the stuff from the 1950s  
16 because you're going to have to make priorities at that  
17 point, are you not, because you won't have the  
18 personnel to go at everything, and -- and the issue  
19 that I think was being raised to you a moment ago is  
20 that in fact such a high proportion of records,  
21 evidently especially the policy records, are having to  
22 be sent to a whole batch of people, and then a whole  
23 batch of people have to work on them again, and I'm not  
24 sure that that's necessarily the most efficient way.

25 That's the point which we were making.

1 You're going to have to look at them in any case, if  
2 that's not done. It isn't as if you were being asked  
3 to do double work.

4 DR. GOLDBERG: Mel, did you have --

5 MS. BRAGG: Right.

6 DR. GOLDBERG: -- something?

7 MS. BRAGG: But the person who will look at  
8 that record and make an informed decision will have to  
9 be the person who has expertise in that information,  
10 and I think it's -- when you look at OSD records, my  
11 understanding of what they consider to be a referral  
12 was that if it was within OSD -- in other words,  
13 Cynthia's office, I was under the impression that those  
14 -- they did make copies, and they actually gave to the  
15 OSD offices, but the ones who reported -- it was only  
16 viewed as just a test of how we could tackle these  
17 kinds of questions.

18 So, it might have been kind of a false sense  
19 in that -- in that particular way because there was  
20 that time constraint. But my understanding was that  
21 outside the OSD, the Office of the Secretary of Defense  
22 unity, in other words, the Army, Navy and Air Force  
23 would be outside of that, that we were not furnished  
24 those records for review. That was my understanding.

25 MS. KLOSS: You were notified only?

1 MS. BRAGG: I don't think we were even  
2 notified. I think what -- what they did was just  
3 annotated that as part of the 66 percent.

4 DR. WEINBERG: May I ask one more question?  
5 It follows what Professor Kimball was asking.

6 At some point, you will be getting these  
7 notifications, right, and at that point in time, the  
8 people who then decide we're going to send somebody to  
9 look at this, but we're not going to bother to send  
10 anybody to look at that, I mean that then, if I  
11 understood you correctly, is going to be made within a  
12 framework of understanding that if we don't look at  
13 this between now and April 2000, we are in fact going  
14 to implicitly decide to let it go open.

15 DR. LEFFLER: Well, let me just ask --

16 MS. BRAGG: We're not deciding to make it go  
17 open, but what we're doing is we are -- we are -- we  
18 have the knowledge, and we have the understanding that  
19 it will automatically be declassified, and, so,  
20 therefore, it will have to fall into some sort of  
21 prioritization, and obviously if we don't get to it by  
22 April, it may not need -- it should not be construed to  
23 mean that the Army or -- or whatever the agency is is  
24 agreeing to bulk declassify that, but they are saying  
25 that we understand that by the President's mandate, it

1 will be declassified.

2 DR. LEFFLER: Let me just ask a question on  
3 that point. Will that occur in all those voluminous  
4 categories that have been identified for exemption?

5 MS. BRAGG: No, not in the exempt file series  
6 themselves, but each of the exempt file series, it was  
7 not -- with the exception of those that contain the  
8 actual identification of a human source of information,  
9 with that one very small exemption, all the other eight  
10 categories -- there are a total of nine exemption  
11 categories, of which you could have files go into.

12 The other eight, we had to select a future  
13 date for the declassification. It wasn't just forever  
14 it will remain --

15 DR. LEFFLER: But it couldn't go long beyond  
16 2000, but it may go long in those --

17 MS. BRAGG: I wouldn't say long, but it will  
18 go beyond 2000. Otherwise, it wouldn't be --

19 MR. KIMBALL: And none of those have been  
20 approved by the White House. The last call I made, not  
21 a single one had been approved by the White House.  
22 Agencies are operating on the assumption their  
23 exemptions are going to be approved, and that, I hope,  
24 will be a false assumption.

25 DR. GOLDBERG: Anything can happen in --

1 MR. KIMBALL: You betcha.

2 DR. GOLDBERG: -- this town and probably  
3 will.

4 MR. DAVID: None of them have been sent to  
5 the White House.

6 MR. KIMBALL: That's not -- that's -- maybe  
7 not by you, but others have.

8 MR. DAVID: No, I have not sent in anything.

9 MR. KIMBALL: I'm just saying ISOO has  
10 forwarded --

11 MR. DAVID: I spoke to the ISOO  
12 representative this morning. No proposed file series  
13 exemptions of any agency have been forwarded to the  
14 White House.

15 MR. KIMBALL: You have better information  
16 than I have or they lied to me, one of the two.

17 I just want to make one quick point, and that  
18 is that resource issue is a red herring that can  
19 absolutely destroy the process. At a certain point  
20 during our meetings, we outlawed the discussion of  
21 resources. We just said, look, because anybody can --  
22 can -- you can hold up anything by saying we don't have  
23 the money for it.

24 You got to have the will to say you're going  
25 to get the job done, and you have to persuade your



1 superiors that that's the right thing to do.

2 DR. GOLDBERG: It's --

3 MR. KIMBALL: Resource allocation -- let me  
4 finish. Resource allocation. I mean I've heard you  
5 say now at least 30 times this morning, resources. Not  
6 you personally. I mean around the table. It's -- it's  
7 -- it's the standard way to avoid dealing with the  
8 problem. Okay?

9 Ultimately, sure, it goes on the desk of  
10 Congress and on the desk of the President, and all you  
11 have to do is get a superior to state it in those bald  
12 terms. We can't do this job without these resources.  
13 All right.

14 When that sort of thing happens, you get a  
15 different result from Congress, as we found out. The  
16 main point is, if you think in terms of why you can't  
17 do the job, you're not going to get it done, and so  
18 far, I mean I have to say that I'm disappointed that --  
19 that -- that -- that the -- there's been a tendency  
20 around the table particularly to -- to think in the --  
21 of all the reasons why we can't get the job done.

22 I would much prefer that every advisory  
23 committee, every declassification authority, every  
24 agency in this government stop and say, all right,  
25 here's the job we want to get done, and here's how we

1 want to do it, and I just think if -- and the other  
2 thing I think in response -- let's make it 21 who  
3 disagree with you. I was adding up.

4 It's a small one, and that is that perfection  
5 is the enemy of progress. If you try to develop a  
6 perfect declassification review system, then you're in  
7 the wrong job because you can't do it. It's an  
8 absolute -- but which is what Gerhard said, and I  
9 endorse his remarks.

10 DR. GOLDBERG: We're not trying for perfect  
11 system; we're trying to make some progress, and it's  
12 very --

13 MR. KIMBALL: For how long have you been  
14 trying is the question I think the public would ask?

15 DR. GOLDBERG: This committee has been trying  
16 since early in the year, and committees don't do the  
17 work. This is the other point. Committees don't have  
18 the authority to order others to do the work, and this  
19 is why I say we have to keep on getting the attention  
20 of people in authority, and if we don't get their  
21 attention, we're not going to get their support.

22 So, the problem always has been how to get to  
23 the top and to convince somebody up there to pay  
24 attention and do something about this. We get some  
25 attention at different levels, but you know how

1 policies are made in government, especially -- well,  
2 let me tell you about the Department of Defense.

3 I said it wasn't very unified yet. Policies  
4 are supposed to come out of OSD. Somebody in OSD  
5 proposes a policy. It's sent out to all of the other  
6 elements of the department, and they review it, and  
7 they come in with their comments. They come in with  
8 their criticisms and their negative attitudes toward  
9 it. They want changes made here and there, and the top  
10 people, including the Secretary of Defense, are very  
11 reluctant to say you do it this way and no other way  
12 and that's it. They don't -- it doesn't happen that  
13 way.

14 It's -- there is an effort to achieve a  
15 consensus because these are people who are actually  
16 going to do the work, and the Army and the Navy and the  
17 Air Force and the Marines have been around a whole lot  
18 longer than OSD and the Department of Defense, and  
19 their bulls, and they're not easy to convince often,  
20 and they're often going to do it their own way.

21 Now, --

22 MR. KIMBALL: Why not focus on OSD?

23 DR. GOLDBERG: We have.

24 MR. KIMBALL: Just focus on it.

25 DR. GOLDBERG: We have.

1 MR. KIMBALL: You don't run up -- I mean I --  
2 I agree. Expertise. I don't want to talk about  
3 nuclear submarines secrets. Christ, I don't even know  
4 what one looks like, and I agree that expertise is very  
5 important, particularly at the technological, military,  
6 military operations level, but OSD -- I suspect anybody  
7 at this table could in a half a day briefing be able to  
8 declassify OSD or declassify review OSD level secrets  
9 that are non-technological.

10 DR. GOLDBERG: Half a day?

11 MR. KIMBALL: Half a day with guidelines.

12 DR. GOLDBERG: Can we take him on as a  
13 consultant?

14 MR. KIMBALL: With the right salary.

15 MS. KLOSS: Can we break for lunch? And  
16 could I stop it with one positive comment? Because I  
17 do -- I do believe that there is reason for you to feel  
18 this at the progress.

19 Let me put this in perspective. Navy alone  
20 has declassified twice as many pages of classified  
21 information as USIA owns. So, -- so, put this in a  
22 frame of reference. There is not a stagnant process to  
23 declassification.

24 In fact, we are progressing, whether it is  
25 smart, it is the most efficient way, it doesn't matter.

1 At this juncture, we are getting results. Information  
2 is being declassified, and information is being made  
3 available to the public.

4 So, at least we leave with some good news.

5 DR. GOLDBERG: Yeah. I think it's true that  
6 a lot more people have become sensitized and aware of  
7 the problem. They know it exists. They don't really  
8 know how to solve it yet, and everybody's still working  
9 on it. Whether it's going to happen or not, we don't  
10 know either.

11 Meanwhile, we will break for lunch.

12 MS. KLOSS: We'd like everybody back at 1330.  
13 Again, restaurants all the way up and down Fairfax.

14 (Whereupon, at 12:00 p.m., the meeting was  
15 recessed, to reconvene this same day, Friday, November  
16 15th, 1996, at 1:30 p.m.)

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## A F T E R N O O N   S E S S I O N

1:40 p.m.

DR. GOLDBERG: Jim David, I think you asked  
for a few minutes.

MR. DAVID: Yes, if I could, please.

DR. GOLDBERG: Please make it a few, will  
you?

MR. DAVID: Okay. As I said this morning,  
I've been informed orally by OSD's declassification  
people that through the years, all the pre-'64 records  
and WNRC have been systematically reviewed. In some  
cases, there was redaction coordination mentioned, and  
in other cases, not.

What I'd like to do is go through the 31 July  
'96 list and just state for the record --

DR. GOLDBERG: Can you come up here? You  
can't be heard.

MR. DAVID: Sure. Which of --

DR. GOLDBERG: If you want it on the record,  
you will have to come up here.

MR. DAVID: Which of the accessions in the  
OSD record sessions, OSD again, have been  
systematically reviewed and have been transferred to  
College Park in that roughly 3,100 feet that went to  
College Park earlier this year.

1 Starting on Page 1 of the list, 63-1765, 63-  
2 1766, 73-1078. On Page 2, down near the bottom, 78-  
3 104. Page 3, 61-1339, 61-1672, 63-1672, 64-2382, 65-  
4 3501, 67-4660. Page 4, at the top, --

5 DR. GOLDBERG: You have 11 pages of this?

6 MR. DAVID: No. I'm almost done with OSD.

7 DR. GOLDBERG: Oh, good.

8 MR. DAVID: I have a few pages of Air Force.

9 DR. GOLDBERG: We can let that go.

10 MR. DAVID: All right. Finishing up OSD, 68-  
11 4023, 69-925, and 69-926, 67-4655, 71-4551, 67-4656,  
12 61-1639, 67-4673, and 69-2243. The last page, Page 5,  
13 down near the bottom, 74-067 and 74-068, 63-1567, and  
14 67-4719. All those have been systematically reviewed  
15 and are at the College Park National Archives. None of  
16 them have been processed.

17 With respect to the OSD records, I would urge  
18 the panel in the very near future to write a letter to  
19 the Archivist of the United States and (1) ask him to  
20 accession the other pre-'64 records on the 31 July list  
21 that are still with WNRC, and, furthermore, give a  
22 priority for processing to all these accessions.

23 DR. TRACHTENBERG: Could you make a copy of  
24 that list and give it to us?

25 MR. DAVID: Actually, I faxed a complete list

1 of the 486 330 accessions transferred to College Park  
2 earlier this year. I -- I have it here, and it can  
3 just be copied and distributed.

4 DR. GOLDBERG: All right. If you'll leave  
5 that, Cynthia will see to that, and the panel members  
6 will get the copies.

7 MR. EPLEY: Very useful.

8 MR. DAVID: And I also won't read into the  
9 record since that doesn't seem to be appropriate at  
10 this point, but I think a one-page list of Air Force  
11 accessions from WNRC that have been systematically  
12 reviewed under the new Executive Order and transferred  
13 to College Park should also be attached to the record  
14 and everybody can get copies.

15 DR. GOLDBERG: Right.

16 MR. DAVID: Quite a few accessions on this  
17 one-page list are on the priority list of 31 July as  
18 well. Again, unfortunately, none of these accessions  
19 have been processed. So, not one page is available to  
20 the public.

21 DR. GOLDBERG: You know, this is an old story  
22 with Archives, with NARA. They're far behind in their  
23 accessioning, and they're going to remain far behind  
24 for the same reason we give for DoD. They just don't  
25 have the resources to do it. They don't have the



1 people.

2 MR. DAVID: Well, I would urge in the same  
3 letter that the Archivist be asked to process those 340  
4 and 341 accessions that have been systematically  
5 reviewed and are at College Park and also are on the 31  
6 July list.

7 DR. GOLDBERG: I'll ask him personally, also.

8 MR. DAVID: Okay.

9 DR. GOLDBERG: Not that it will help a great  
10 deal, I think, but I'll ask him anyway.

11 MR. HEIMDAHL: I think one thing ought to be  
12 said on behalf of the National Archives. They are now  
13 running the three facilities. Admittedly, they pulled  
14 some staff out of WNRC, but there was never any great  
15 staff reallocation, I mean, or additional spaces given  
16 to the National Archives to take care of College Park.

17 So, they're operating skeleton crews downtown  
18 as well as out at College Park, and there are other  
19 priorities, regretfully, but there are. They have  
20 student aides that they bring in from the University of  
21 Maryland that augment their staff, but obviously these  
22 youngsters have no security clearances and can't work  
23 these kind of issues.

24 DR. LEFFLER: I would only point out, though,  
25 that they themselves say -- Michael Kurtz has said

1 numerous times that -- that the Archives endorses the  
2 -- the -- the emphasis on the highest policy material.

3 So, to the extent that any letter that you  
4 write to them, you can sort of link on to their  
5 established commitment to opening up and making  
6 available the highest policy issues, and certainly  
7 these categories fall unequivocally within that  
8 definition.

9 MR. HEIMDAHL: I just thought I should say  
10 something on behalf of the Archives since they couldn't  
11 send anybody here today to meet with us.

12 DR. LEFFLER: They have real problems.

13 DR. GOLDBERG: They're under a lot of  
14 pressures, even trying to get some money away from the  
15 NHPRC.

16 Are there any other questions or comments?

17 (No response)

18 Closing

19 DR. GOLDBERG: All right. I will not attempt  
20 to summarize our meeting. We've had some interesting  
21 suggestions made. I think we will have to pay further  
22 attention to them in future meetings.

23 The panel will meet again some time early  
24 next year or perhaps as late as the Spring, depending  
25 on what we decide.

1 I want to thank you for attending, and I  
2 declare the open meeting officially closed.

3 Thank you.

4 DR. WEINBERG: And -- and the reason I say  
5 that is that I am -- have been out there. I mean the  
6 staff problems are very serious, and given the size of  
7 these, if they decide to start on one, they won't get  
8 to the next one of the three for another year or two or  
9 three, whereas if they can identify, you know, section  
10 of 10 boxes here and 30 boxes there, at least those can  
11 be processed and made accessible, and they can get to  
12 the others later.

13 MR. DAVID: They -- they come over from WNRC  
14 using the FRC accession numbers and simply go down the  
15 list, please -- please accession these -- these RG-330  
16 accessions still at WNRC.

17 For example, in the 3,100 feet that came over  
18 earlier this year, there are no Secretary of Defense  
19 correspondence files.

20 DR. GOLDBERG: For the second, I hope, last  
21 time, the meeting is adjourned.

22 Thank you.

23 (Whereupon, at 1:51 p.m., the meeting was  
24 adjourned.)

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Bulane Bowman  
Official Reporter.

Dated: NOVEMBER 15, 1996